

प्राधिकार से प्रकाशित

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सं 38]

नई विल्ली, शनिवार, सि स्बर 19, 1970/भार 28, 1892

No. 381 NEW DELHI, SATURDAY, SEPTEMBER 19, 1970/BHADRA 28, 1892

इत भाग में भिन्न पुष्ठ संख्या वी जाती है जिससे कि यह ग्रलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

न:दिस

NOTICE

नीचे लिये भारत के प्रसाधारण राजपन्न प्रान्त 3, 1970 तक प्रकाशित किये गये :---The undermentioned Gazettes of India Extraordinary were published up to the 3rd August

Issue No.

1970.

No. and Date

Issued by

Subject

S.O. 2442, dated 17th July Ministry of Finance 1970

> एम० श्रो० 2442, दिनांकः वित्र मंतालय 17 ज्लाई, 1970 ।

Authorization of expenditure from the Consolidated Fund of the State of West Bengal.

> पश्चिमी बंगाल राज्य की समेकित निधि से खर्च किए जाने की मंजुरी।

S. O. 2443, dated 18th July Ministry of Industrial De- Exemption from the operation of 255 1970 velopment & Internal Trade

Section 11A of the Industries (Development & Regulations) Act, 1951 and the rules made thereunder.

का० ग्रा० 2443, दिनांक श्रीद्योगिक विकास, श्रान्तरिक 18 जुलाई, 1970 । व्यापार

उद्योग विकास भ्रौर विनिय-मन प्रधिनियम 1951 की धारा 11-क भौर तद्धीन बनाए गए नियमों की प्रवर्तन से छट।

4054	THE GAZETTE OF IN	DIA: SEPT. 19, 1970/BI	HADRA 28, 1892 [PART II—
Issue No.	No. and Date	Issued by	Subject
256	S. O. 2526 dated 22nd July 1970	Ministry of Petroleum & Chemicals & Mines & Metals.	Further amendment to the order of the Min. of Petroleum & Chemicals & Mines and Metals (Deptt. of Petroleum & Chemicals) S. O. 1873 dated 18th May, 1970.
257	S. O. 2527, dated 22nd July, 1970	Ministry of Home Affairs.	Cessation of function and operation of the Panjab University in the Union Territory of Himachal Pradesh w. e. f. 22nd July, 1970.
	का•म्रा० 2527, दिनांक 22 जुलाई, 1970 ।	गृह मंत्रालय	पंजाब विश्वविद्यालय का हिमाचल प्रदेश संघ राज्य क्षेत्र से कार्य घ्रौर संचलन 22 जुलाई, 1970 से समाप्त
258	S. O. 2528, dated 22nd July, 1970	Do.	Constitution of the Central Press Consultative Committee
259	S. O. 2529, dated 22nd July, 1970	Election Commission of India.	Amendment in Notification No. 56/69-II (S. O. 89), dated the 4th January, 1969.
	का० ग्रा० 2529, दिनां 22 जुलाई, 1970 ।	क भारत निर्वाचन स्रायोग	श्रधिसूचना मं० 56/69—2 (का० श्रा० 89) तारीख 4 जनवरी, 1969 में संशोधन।
260	S. Q. 2530, dared 22nd July, 1970	Ministry of Lab, Emp. 8 Rehabilitatio 1.	k Industrial dispute between the employers of L. I. C of India and their workmen.
261	S. O. 2531, dated 23rd July, 1970	Ministry of Law.	Correction to S. O. 2200 dated the 19th June, 1970.
262	S. O. 2532, dated 24th July, 1970	Ministry of Industrial Dev. & Internal Trade	Declaration o fthe Commodities specified as essential commodities.
	का० भ्रा० 2532, दिनां 24 जुलाई, 1970 ।	क भ्रौद्योगिक विकास भ्रौ श्रान्तरिक व्यापार मंत्रार	ग्य ग्रावश्यक बस्तुएं घोषित ।
263	S. O. 2533, dated 25th July, 1970	Ministry of Information & Broadcasting.	Approval of the films specified in Col. 2 of the schedule.
	एस० ग्रो० 2533, दिनांग् 25 जुलाई, 1970	क सूचनाश्रौर प्रसारण मंद्रा ।	लय ग्रनुसूची के कालम 2 में दीगई फिल्मों की स्वीकृति।
	S. O. 2534, dated 25th July, 1970	Do.	Approval of the film specified in Col. 2 of the schedule.
	एस० ग्रो० 2534, दिन 25 जुलाई, 1970 ।	ांक तदेव	ग्रनुसूची के कालम 2 में दीगई फिल्मकीस्वीकृति।

Issue No.	No. and Date	Issued by	Subject
264	S. O. 2535, dated 27th M July, 1970	inistry of Finance	Appointment of Shri Jasjit Singh as Administrator.
	का ्धा ० 2535, दिनांक 27 जुलाई, 1970।	वित मंत्रालय	श्री जसजीत सिंहकी प्रशासक केरुप में नियुक्ति ।
265	S. O. 2536, dated 27th A July, 1970	Ainistry of Railways	Prohibition of strike in any of the railway services under North- east Frontier Railway adminis- tration.
	एस० ग्रो० 2536, दिनां	क रेल मंत्रालय	पूर्वोत्तर सीमा रेल प्रशासन
	27 जुलाई, 1970		भ्रथवा श्रधीन रेल में
	•		हड़तालों की प्रति षिदा ।
2 66	S. O. 2537, dated 28th Mil July, 1970	nistry of Forei g 1 Tr a d	e Amendment in the Notification in the late Ministry of Commerce No. S. O. 1270 dated the 25th March, 1966.
	का०ग्रा० 2537, दिनांक	विदेशी व्यापार मंत्राल	य भूतपूर्व वाणिज्य मंत्रालय की
	28 जुलाई, 1970		ग्रिधिसूचना सं० का ० ग्रा०
	•		1270 तारीख 25 मार्चे,
			1966 में संशोधन।
	S. O. 2538, dated 28th, July, 1970	Do.	Further amendment to the Export of Inorganic Chemicals (Inspection) Rules, 1966.
	का०ग्रा० 2538, दिनांक	দ্ৰবীৰ	धकार्बनिक रसायनों
	28 जुलाई, 1970।		निर्यात (निरीक्षण) नियम
	3 •/		1966 में भीर
			संगोधन ।
	S. O. 2539, dated 28th July, 1970	Do.	Amendment in the Notification of the late Ministry of Commerce No. S. O. 1272 dated the 25th March, 1966.
	का०भा० 2539, दिनांक	सर्वेब	भृतपूर्वे वाणिज्य मंत्रालय
	28 जुलाई, 1970।		की श्रिधिसूचना सं० का ०
	9		भा० 1272 तारीख 25
			मार्च, 1966 में संशोधना
167 S	3. O. 2594, dated 29th Min July, 1970	nistry of Foreign Trade	e Notification loop mats subject to quality control and inspection prior to export.
	का० ग्रा० 2594, दिनांक	विदेगी व्यापार मंत्रा	ालय भ्रधिसूचित करती है कि
	29 जुलाई, 1970।		निर्यात से पूर्व लूप चटाइयां गुण नियंत्रण भौर निरीक्षण के ग्रध्यधीन ।

Isst No.		Issued by	Subject
	S. O. 2595, dated 29th July, 1970	Ministrŷ ol F oreig n Tr ade	Further amendment to the Export of Coir Products (Inspection), Rules, 1965.
	का० ग्रा० 2595, दिनांक	विदेशी व्यापार मंत्रालय	क्या उत्पादों के निय् त ि
	29 जुलाई, 1970 ।		(निरीक्षण) नियम,1965 में ग्रौर ग्रागे संशोधन।
	S. O. 2596, dated 29th July, 1970	Do.	Recognition of the agencies for the inspection of coir loop mats
	का० म्रा० 2596, दिनांक	तदैव	कया लूप चटाइयों के
	29 जुलाई, 1970।		निरोक्षण के लिए श्रमि -
			करणों के मान्यता।
268	S. O. 2597, dated 29th July, 1970	Cab net Secretaria	Further amendment to the Government of India (Allocation of Business) Rules, 1961.
269	का० घा० 2598, दिनांक	विधि मंत्रालय	भाग 2, खण्ड 3, उपखण्ड-
	29 जुलाई, 1970।		(ii) तारीख 3 श्रप्रैल,
	ū		1970 में पृ० 2585 से ा
			लेकर 589 परप्रकाशितः
			प्रशुद्धियां पर् संशोधनाः
2 70	S. O. 2599, dated 29th J July, 1970	Ministry of Industrial Development & Internal Trade	Further amendment in the order of the late Ministry of Industrial Dev. & Company Affairs (Deptt. of Industrial Dev.) No. S. O. 3091/18A/IDRA/67, dated the 2nd 37pt. 1967.
	एस० ग्रो० 2599 दिनांक	भ्रौद्योगिक विकास प्तथा	भूतपूर्व श्रौद्योगिक विकास
	29 जुलाई, 1970।	प्र न्तर्देशीय व्यापार मंत्राल	ाय तथा समवाय _् कार्य मंत्रालयः
	•		(भ्रौद्योगिक विकास वि भाग)
			कें सं० एस० ग्रो० 3091/
			18ए/म्राई० डी० ग्रार ०
			ए०/67 दिनांक़ 2 सित्म <u>्ब</u> र,
			196.7 में संगोधन।
2 71	S. O. 2600, dated 29.h July, 1970	Do.	Further amendment in the order the late Ministry of Industrial Dev. & Company Affairs (Deptt. of Industrial Dev.)
			No. S. O. 4460/18A/IDRA/678 dated the 14th Dec. 1967.

I 49 10 No.	No. and Date	Issued by	Subject
	एस॰ ग्रो॰ 2600, दिन 29 जुलाई, 1970।	ांक श्रौद्योगिक विकास तथ श्र∓तदेंशींय क्यापार मंत्रालय ।	ा भूतपूर्व श्रौद्योगिक विकास तथा समवाय कार्य मंत्रालय (श्रौद्योगिक विकास विभाग) के सं० स० श्रो० 4460/18ए / श्राई० डी० श्रार० ए०/67 दिनांक 14 दिसम्बर, 1967 में संशोधन।
27 2. S	. O. 2601, dated 29th July, 1970.	Election Commission of India.	Amendment in Notification No. 56/69-II (S.O. 89), dated the 4th January, 1969.
	का० ग्रा० 2601, दिनां	क भारत निर्वाचन श्रायोग	ं ध्रधिसूचना सं० 5 $6/69$ –
	29 जुलाई, 1970।		2 (का० आ० 89),
	•		तारीखा 4 जनवरी,
			1969 में संशोधन।
	S. O. 2602, dated 30th July, 1970.	Ministry of Petroleum & Chemicals & Mines and Metals,	Exemption to drugs manufacturing units from para 9 of the order.
S	O. 2603, dated 30th July, 1970.	Ditto	Further amendment in the Drugs (Prices Control) Order, 1970.
274. S	. O. 2603, dated 1st August, 1970.	Ministry of Lab., Emp. & Rehabilitation.	Notifying the National Coal, Dev. Corp. Ltd., Darbhanga House, Ranchi and their workmen of the Colliery Mazdoor Sangh, Luby Circular Road, Dhanbad and M. P. Colliery, Workers Federation, P. O. Chirimi, Distt. Surguja, M. P. as representing the majority of each party.
5 . 0). 2604, dated 1st August, 1970.	Ditto	Notifying the National Coal, Dev. Corp. Ltd., Darbhanga House, Ranchi and their work- men of the Colliery Mazdoor Sangh, Luby Circular Road, Dhanbad and M. P. Colliery, Workers Federation, P. O. Chirmi, Distt. Surguja, M.P. as representing the majority of each party.
	O. 2605, ducd tst August, 1970.	Ditto 1	Notifying the National Coal, Dev. Corp. Ltd., Darbhanga House, Ranchi and their workmen of the Colliery Mazdoor Sargh, Luby Circular Road, Dhanbad and M. P. Colliery Workers Federation, P. O. Chirimi, Distt. Surguja, M. P. as representing the majority of each party.

4058 Subject Isrue No. and Date Issued by No. Specifying exceptions, restrictions and limitations to the 275. S. O. 2606, dated 1st Ministry of Industrial August, 1970. Dev. & Internal Trade.

> का० ग्रा० 2606, दिनांक श्रौद्योगिक विकास तथा ग्रान्तरिक व्यापार 1 ग्रगस्त, 1970 I मंत्रालय ।

समवाय श्रधिनियम, 1956 में भ्रपवादों, प्रतिबन्धों भ्रौर सीमाग्रों का उल्लेख।

276. S. O. 2607, dated 2nd Affairs. August, 1970.

Department of Company Establishment of the monopolics and Restrictive Trade Practice Commission and appointment of its chairman and Members.

Companies Act, 1956.

एस० ग्रो० 2607, दिनांक कम्पनी कार्य विभाग 2 श्रगस्त, 1970 I

एकाधिकार तथा कारी व्यापार प्रथा ग्रायोग श्रीर उसके ग्रध्यक्ष भीर सदस्यों की नियक्ति ।

277. S. O. 2608, dated 3rd Ministry of Foreign Trade Declaring France to be a territory to which the convention on the August, 1970. Recognition and enforcement En of Foreign Arbitral Awards applies, made on or after the 11th day of Oct. 1960.

> का० ग्रा० 2608, दिनांक विदेशी व्यापार मंत्रासय 3 भ्रगस्य, 1970 I

फ्रांस को ऐंसा राज्य क्षेत्र घोषित करती है जिसकों माध्यस्थम पंचाटों की मान्यता धौर प्रवर्तन विषयक ग्रभिसमय 1960 की अक्टबर के 1 1वें दिन को था पश्चात प्रयोजनों के लिए लाग।

S. O. 2667 dated 3rd Cabinet Secretariat 278. August, 1970.

Further amendment in the Government of India (Allocation of Business) Rules, 1961.

ऊपर लिखे बसाधारण राजपत्नों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपक्ष भेजने पर भेज दी आएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्नों के जारी होने की तारीख से 10 दिन के मीतर पहुंच जाने चाहिएं।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Cazettes.

भाग II--खण्ड 3---उपलण्ड (ii) PART II-Section 3--Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मं ालयों केर (संघ क्षेत्र प्रशासन की छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विधिक ग्रावेश ग्रीर ग्राधिस्थनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

CABINET SECRETARIAT

(Department of Personnel)

- S.O. 3008.—In exercise of the powers conferred by section 3 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby specifies the following offences as the offences which are to be investigated by the Delhi Special Police Establishment, namely:—
 - (a) Offences punishable under section 6 of the Aircraft Act, 1934 (22 of 1934);
 - (b) attempts, abetments and conspiracies in relation to, or in connection with, the offences mentioned in clause (a) and any other offence committed in the course of the same transaction rising out of the same facts.
 [No. 228/11/67-AVD.II]

मंत्रि मण्डल सचिवा ।य

(कामिक विभाग)

नई दिल्ली, 3 भितम्बर 1970

का० गा० 3008.—विल्ली विशेष पुलिस स्थापन ग्रिधिनियम, 1946 (1946 का 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निम्निलिखत ग्रपराधों को एनद्द्वारा ऐसे ग्रपराधों के रूप में विनिर्दिष्ट करनी हैं जिनका ग्रन्वेषण दिल्ली विशेष पुलिस स्थापन्न द्वारा किया जाना है, ग्रथीत :—

- (क) वायुथान म्रधिनियम, 1934 (1934 का 22) की धारा 6 के म्रधीन दंडनीय भगराध:
- (ख) खण्ड (क) में वर्णित श्रपराधों श्रौर एक ही तथ्यों से उद्भूत होने वाली एक ही संव्यवहार के श्रनुकम में किए गए किसी श्रन्य श्रपराध से संबंधित या के प्रसंग में प्रयत्न, दृष्प्ररण श्रौर षंडयंत्र ।

[संख्या 228/11/67--ए० वी० डी० 2]

ORDER

New Delhi, 3rd September 1970

- S.O. 3009.—In exercise of the powers conferred by sub-section (1) of section 5 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the States of Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Jammu and Kashmir, Kerala, Madhya Pradesh, Maharashtra, Mysore, Nagaland Orissa, Punjab Rajsthan, Tamil Nadu. Uttar Pradesh and West Bengal for the investigation of the offences specified below, namely:—
 - (a) Offences punishable under section 6 of the Aircraft Act, 1934 (22 of 1934).

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(b) Attempts, abetments and conpiracies in relation to, or in connection with the offences, mentioned in clause (a) and any other offence committed in the course of the same transaction arising out of the same

[No. 228/11/67-AVD.II] B. C. VANJANI, Under Secy.

(कामिक विभाग)

भ्रादेश

नई दिल्ली, 3 सितम्बर, 1970

का॰ मा॰ 3009.--दिल्ली विशेष पुलिस स्थापन म्रिधिनियम, 1946 (1946 का 25) की धारा 8 की उपधारा (1) द्वारा प्रदत्त शक्तिक्षों का प्रयोग हुए करते हुए केन्द्रीय भरकार एतद्वाद्रा दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार आन्ध्र प्रदेश, श्रसम, बिहार, गुज़रीत, हरियाणा, जम्मू-कश्मीर, केरल, मध्य प्रदेश, महाराष्ट्र मैसूर, नागालैण्ड, उड़ीसा, पंजाब, राजस्थान, तमिलनाडु, उत्तर प्रदेश एवं पश्चिम बंगाल राज्यों पर, नीचे विनिर्दिष्ट भ्रपराधों के भन्वेषण के लिए, करती है, भर्थात् :---

- (क) वायुयान श्रधिनियम, 1934 (1934 का 22) की धारा 6 के श्रधीन दंडनीय
- (ख) खण्ड (क) में बींगत प्रवराधों ग्रीर एक ही तथ्यों से उद्भूत होने वाले किसी मॅंब्रियवहार के अन्तकम में किए गए किसी अन्य अपराध से संबिधत या के प्रसंग में प्रयत्न, दृष्प्रेरण ग्रौर षष्ट्रंयंत्र ।

[संख्या 228/11/67-ए यी डी बी० सी० बंजानो, भ्रवर मचिव ।

ELECTION COMMISSION OF INDIA

ORDERS

New Delhi, 19th August 1970

- S.O. 3010.—Whereas the Election Commission is satisfied that Shri Chhatra Pal, s/o, Shrl Ram Dayal, r/o, village Jarthua, Post Office Udnapur, Koraiya, District Sitapur, Uttar Pradesh, a contesting candidate for mid-term general election, 1969 to the Uttar Pradesh Legislative Assembly from 79-Laharpur Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;
- ²2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;
- 3. Now, therefore, in pursuance of section TOA of the said Act, the Election Commission hereby declares the said Shri Chhatra Pal, s/o. Shri Rum Dayal, to be disqualfiled for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/79/69(106).]

भार । निर्वाचन ग्रायोग

.मई दिल्ली-19 ग्रगस्त, 1970

एस॰ ग्रो॰ 3010--ातः निर्वाचन ग्रायोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के क्लिए मेश्यावधि साधारण निवेधिन 1969 के लिए 79-लहरपूर सभा निवेधिन क्षेत्र से चुनाव लड़ने व.ले उम्मीदवार श्री छत्रपाल सुपुत्र श्री रामदयाल, निवासी गाव जरथुवा, डा० उदनापुर कोरैया, जिला सीतापुर (उत्तर प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा श्रपेक्षित अपने निर्वाचन व्ययों का कोई भी लेबा दाखिल करने में श्रसफल रहे हैं ;

श्रीर यतः, उक्त उम्मीदवार ने, उमें सम्यक सूचना दिए जाने पर भी श्रपनी इस श्रमफलता के लिए कीई कारण अयवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस श्रमफलता के लिए कोई पर्याप्त कारण या न्यायीचित्य नहीं है;

अतः, अव, उन्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्हारा उपन श्री ठागाल मुपुत्र श्री रामलाल की संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने श्रीर होने के लिए, इस श्रादेश की तारीख से तीन वर्ष की कालाविध के लिए निर्रोहत घोषित करता है।

- S.O. 3011.—Whereas the Election Commission is satisfied that Shri Durgadas, S/o Shri Lekhai Das, R/o Village Ruknapur; Post Office Hargaon, District Sitapur, Uttar Pradesh a contesting candidate for mid-term general election 1969 to the Uttar Pradesh Legislative Assembly from 80-Hargaon (SC) Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder,
- 2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;
- 3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Durgadas. S/o Shri Lekhai Das. to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/80/69(107)]

एन० ग्रो० 3011.—पत. निर्वाचन श्रायोग का समाधान हो गया है कि उत्तर प्रदेश विधान समा के लिए मध्यापिय माधारण निर्वाचन 1969 के लिए 80-हरगाव (श्रा० जा०) सभा निर्वाचन क्षेत्र से चुनाव लड़ने व ले उम्मीदवार श्री दुर्गादास सुपुत्र लेबाईदास, निवासी गाव स्कनापुर, डा० हरगात, जिला मीनापुर, उतर प्रदेश, लोक प्रतिनिधित्व ग्रिधिनिथ्म, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित श्रपने निर्वाचन व्ययों का कोई भी लेबा दाखिल करने में ग्रसफल रहे है ;

र्श्वार यतः, उक्त उम्मीदवार ने, उमे सम्यक सूचना दिए जाने पर भी श्रपनी इस श्रमफलता के लिए कोई कारण श्रयवा स्वट्टीकरण नहीं दिया है; तथा निर्वाचन श्रायोग का यह समाधान हो गया है कि उसके पास इस श्रमफेलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है;

श्रतः, अब, उन्त अधिनियम की धारा 10-क् के अनूसरण में निर्वोचन श्रायोग एतद्दारा उक्त श्री दुर्गादास सुपुत श्री लेबाईदास को संसद् के दोनों सदनों में में किसी भी सदन के या किसी राज्य की विधान सभा श्रयमा विधान परिषद् के सदस्य चुने जाने श्रीर होने के लिए, इस श्रादेश की तारीख से तीन वर्ष की कालाविध के लिए निर्हात घोषित करता है।

[मं० उ० प्र०-वि० स०/80/69 (107)]

New Delhi, the 29th August 1970

S.O 3012—Whereas the Election Commission is satisfied that Shri Jumman Mian S/o Shri Buddhu, R/o Village Fatehpur Hamza, P.O. Moradabad, District Unnao, Uttar Pradesh a contesting candidate for mid-term general election 1969

to the Uttar Pradesh Legislative Assembly from 92-Bangarmau Assembly Constituency, has falled to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder.

- 2. And whereas, the said candida e even after due notice has falled to file an affidavit in support of his statement that he lost his election papers and also to give any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;
- 3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Jumman Mian S/o Shri Buddhu, to be disqualified for being chosen as and for being a member of either House of Par'iament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/92/69 (110).]

नई दिल्ली, 20 ग्रगस्न, 1970

एस० स्रो० 3012 — यतः निर्वाचन श्रायोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्याविध साधारण निर्वाचन 1969 के लिए 92 — बांगरमऊ सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जुम्मन भियां सुपुत्र श्री बुद्ध, निर्वासी गांव फतेहपुर हमजा, डा० गंजमुरा-दाबाद, जिला उन्नाव, उत्तर प्रदेश, लोक प्रतिनिधित्व श्रीधनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा श्रविक्षित रीति में श्रवने निर्वाचन ब्यायों का लेबा दाखिल करने में असफल रहेहैं:

श्रीर यतः, उक्त उम्मीदवार, उसे सम्यक सूचना दिए जाने पर भी श्राने इस चयन के समर्थन में कि उसके निर्वाचन सम्बन्धी कागज खो गए है, एक शपथ-पत्न दाखिल करने में तथा श्रपनी इस श्रमकलता के लिए ठोई कारण श्रपवा स्पष्टीकरण देने में श्रमकल रहे हैं, तथा निर्वाचन श्रायोग का यह समाधान हो गया है कि उसके पास इस श्रक्तमफलता के लिए कोई पर्याप्त कारण या त्यायोचित्य नहीं है;

श्रतः, श्रम, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन श्रायोग एतद्वारा उक्त श्री जुम्मन मियां सुरुव श्री गुद्ध को संसद् के दोनों मदनों में में किसी भी सदन के था। केसी राज्य की विधान सभा श्रयवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस श्रादेश की तारीख से तीन वर्ष की कालावधि के लिए निर्सिंहन घोषित करता है।

[सं उ०प्र०-वि०स०/92/69(110)]

- S.O. 3013.—Whereas the Election Commission is satisfied that Shri Parashuram S/o Shri Puranwasi, R/o Village Chilauna, Post Office Mirganj, District Basti, Uttar Pradesh, a contesting candidate for mid-term general election, 1969 to the Uttar Pradesh Legislative Assembly from 182-Khalilabad Assembly Constituency, has falled to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;
- 2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;
- 3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Parashuram, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

एम० भ्रो० 3013.—यत: निर्वाचन श्रायोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्या विध साधारण निर्वाचन 1969 के लिए 182—खलीलाबाद सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री परशुराम मुपुत्र श्री पूरनवासी, निर्वासी गांव चिलौना, डा० मीरगंज, जिला बस्ती, उत्तर प्रदेश, लोक प्रतिनिधित्व ग्रिधिनियम, 1951 तथा तद्धीन बनाए गए नियमों हारा श्रपेक्षित श्रपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में श्रसफल रहे हैं;

श्रीर यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस श्रसफलता के लिए कोई कारण श्रथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन श्रायोग का यह समाधान हों। गया है कि उसके पास इस श्रमफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है;

श्रतः, श्रब, उक्त श्रधिनियम की धारा 10-क के श्रनुसरण में निर्वाचन श्रायोग एतद्द्वारा उक्त श्रो परगुराम को मंसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा श्रथवा विधान परिषद् के सदस्य चुने जाने श्रौर होने के लिए, इस श्रादेश की तारीख से तीन वर्ष की कालावधि के लिए निर्माहत घाषित करता है।

[सं० उ० प्र०-वि० स०/182/69(111)]

- S.O. 3014.—Whereas the Election Commission is satisfied that Shri Suraj Nath, S/o Shri Ganga Ram, R/o Village Banjaria, Post Office Khalilabad, District Basti, Uttar Pradesh, a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 182-Khalilabad Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;
- 2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;
- 3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Suraj Nath, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/182/69(112).]

By Order,

A. N. SEN, Secy.

एस० ग्री० 3014.—यतः निर्वाचन ग्रायोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्याविध साधारण निर्वाचन 1969 के लिए 182-खलीलाबाद सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सूर्जनाथ मुपुल्ल श्री गंगाराम, निवासी गांव बन्जरिया, डा० खलीलाबाद, जिला बम्ती, उत्तर प्रदेश, लोक प्रतिनिधित्व श्रिधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा श्रपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में ग्रसफल रहें हैं;

श्रीर यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी श्रपनी इस श्रसफलता के लिए कोई कारण श्रथवा स्पष्टीकरण नहीं दिया हैं; तथा निर्वाचन श्रायोग का यह समाधान हो गया है कि उसके पास इस श्रसफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है; म्रतः, स्रव, उक्त स्रधिनियम की धारा 10-क के स्रन् सरण में निर्वाचन स्रायोग एत्द्द्वारा उक्त श्री मूर्जनाथ को संमद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा स्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस श्रादेश की तारीख से तीन वर्ष की कालावधि के लिए निर्राहत घोषित करता है।

[मं॰ उ॰ प्र॰-वि॰ स॰/182/69 (112)]

आदेश से,

ए० एन० सेन, सचिव।

MINISTRY OF HOME AFFAIRS

New Delhi, the 28th August 1970

S.O. 3015.—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints Shri Chameli Kumar Chatterji, Advocate as a Public Prosecutor for conducting the prosecution of the accused, in cases RC No. 24/EOW/67-Calcutta & RC.14/EOW/68-Calcutta in the original, appellate and revisional courts.

[No. 225/43/70-AVD(II).]

B. C. VANJANI, Under Secy.

गृह मंत्रापय

नई दि ली, 28 श्रगस्त, 1970

क ० श्रा० 3015—दण्ड प्रक्रिया संहिता, 1898 (1898 का 5) की धारा 492 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, श्री चमेली कुमार चटर्जी, श्रिधवस्ता, को भूल, श्रुपोली और पुनरीक्षण न्ययालय में, श्रार० सी० 24/\$/68—कलकत्ता एखं श्रार० सी 24/\$/68—कलकत्ता के मामलों में, श्रिभियुक्त पर पश्चियोजन चलाने के लिए लोक श्रिभियोजन के रूप में नियुक्त करती है।

[सं० एफ ०/225/43/70 ए० वी० डी॰ II.] वी० सी० बंगानी, श्रवर मंचित्र।

MINISTRY OF FINANCE

(Department of Expenditure)

(Defence Division)

New Delhi, the 3rd August 1970

S.O. 3016.—In exercise of the powers conferred by the proviso to article 309 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Departments, the President hereby makes the following rules further to amend the Civil Service Regulations—Volume I, namely:—

1. (i) These rules may be called the Civil Service (Fourth Amendment) Regu-

Tlations, 1970.

- (ii) They shall come into force on the date of their publication in the Official Gazette.
- 2. In the Civil Service Regulations, in Article 182, the following provise shall be inserted at the end, namely:—
 - "Provided that in cases where leave on medical grounds is taken after svailing of normal joining time, the split up of the spell of absence allowing joining time first and leave afterwards may be allowed to stand".

[No. F.1338-AG/PA.]

B. R. AGGARWAL, Asstt. Financial Adviser-

(Department of Banking)

New Delhi, the 12th August 1970

- SO. 3017.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the said Act, shall not apply to the undernoted cooperative banks for a further period of one year with effect from 1st March, 1970.
 - 1. The National Cooperative Bank Ltd., Bombay.
 - 2. The Ghatal People's Cooperative Bank Ltd., Ghatal, Midnapur.
 - 3. The Nakodar Hindu Cooperative Bank Ltd., Nakodar, Jullundur.

[No. F.18-4/70-SB.]

वित मंत्रा रय

(बैंकिंग विभाग)

नई दिल्ली, 12 भ्रगस्त, 1970

एस० स्रो० 3017 — बैंकिंग विनियमन श्रिधिनियम, 1949 (1949 के 10वें) की धारा 56 के साथ पठित धारा 53 द्वारा प्रवत्त श्रीक्तयों का प्रयोग करने हुए केन्द्रीय मरकार भारतीय रिजर्व वैंक की सिफारिश पर एतद्वारा घोषित करनी है कि उक्त श्रीधिनियम की धारा 11की उपधारा (1) के उपबन्ध 1 मार्च, 1970 से श्रीर एक वर्ष की श्रविध के लिए निम्निलिखिल सहकारी बैंकों पर लाग नहीं होंगे।

- दी नेगनल कोम्रापरेंदिव वैक लिमिटेड, बम्बई
- 2. दी छाल पीमलन कोम्रापरेटिव बैंक लिमिटेड, छनल, मिदनापुर
- की नकोदर हिन्दू कोम्रापरेटिय बैंक लिमिटेड, नकोदर, जालंधर ।

[मं > फा • 18-4/70-एस • वी •]

New Delhi, the 31st August 1970

S.O. 3018.—In exercise of the powers conferred by section 53 of the Banking. Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply, till the 31st December 1970, to the Derajat Bank Ltd.. Amritsar, in respect of the agricultural land measuring 128 kanals, 1 marla and 5 fields, held by it in Village Saktuwal, Tehsil Batala, District Gurdaspur, Punjab.

नई दिल्ली, 31 श्रगस्त 1970

एस० औ० 3018.—वैंकिंग विनियमन ग्रिधिनियम, 1949 (1949 के 10 वें) की धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एनद्द्वारा घोषित करनी है कि उक्त श्रिधिनियम की धारा 9 के उपबन्ध, जहां तक उनका सम्बन्ध ग्राम सकतुवाल, सहसील बटाला, जिला गुरदासपुर, पंजाब में बैंक की 128 कनाल, 1 मरला कृषि भूमि श्रीर 5 खेतों का सम्बन्ध है डेराजाट बैंक लिमिटेड, श्रमृतसर पर 31 दिसम्बर, 1970 तक लागू नहीं होंगे।

[संख्या एफ॰ 15(12)-जी॰ सी॰/70]

New Delhi, the 4th September 1970

S.O. 3019.—Statement of the Affairs of the Reserve Bank of India, as on the 28th August, 1970

Banking Department

LIABILITIES			Rs.		A	SSET	3							Rs.
Capital Paid Lp .		•	5,00,00,000	Notes	,			•			,	•	-	22,14,64,000
				Rupee Coin									-	10,05,000
Reserve Fund			150,00,00 000	Small Coin									-	4,57,000
National Agricultural Credit Term Operations) Fund	(Long		172,00,00,00	Bille Purchased (a) nterns		Discor	u nte d	: -	•					••
National Agricultural Credit (Stabilisation) Fund			37,06,00 600	(b) Faterna (c) Go /em: Balance Held A	nent '		ury I	Bi il ls		•	•	•	•	34,74,60,000 100,19,63,000
National Ind. strial Credit (Lor Operations) Fund	g Term	ı	95,00,00,00	Investments**							,			108,24,01,000
				Loans and Advan (i) Centre (ii) State (l Go	V et B.C			•	•	•		•	75,34,34,000
Deposits-				Loars and Advan	LCE E	01-								
				(i) Schedu	led C) mm	ಂಡಬ	Ban	ES†			•		209,15,49,000
(a) Groveram zet				(ii) State (20 -0 p	erativ	e Ba	nk#††		•				244,44,72,000
i) Central Government		,	87,45,88,00	(#i) Others		•	•	•	•		•	•	•	1,46,95,000

LIABILITIES		ASSETS					
		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—					
(ii) State Governments	9,69.25,000	(a) Loans and Advances to :					
		(f) State Governments 34,31,43,00					
		(ii) State Co-operative Banks . 22,41,74,00					
		(iii) Central Land Mortgage Banks					
(b) Banks—		(b) Investment in Central Land Mortgage Benk F ebeniures 9.57,02.00					
(i) Scheduled Commercial Banks .	195,71,35,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—					
(#) Scheduled State Co-operative Banks	7,56,71,000	Louns and Advances to State Co-operative Banks . 5,17,78,00					
(iii) Non-Scheduled State Co-operative Banks	78,72,000						
(iv) Other Banks	35,02,000	Loans, Advances and Investments from National In. ustrial Credit (Long Term Operations) Fund -					
(c) Others	96,03,69,030	(a) Losns and Advances to the Development Bank 25,26,71,00					
Bills Payable	35,10,31,000	Development Bank					
Other Liabilities	34,27,17,000	Other Assets					
Rupees	925,98.10,000	Rupees 925,98,10,00					

^{*}Includes Cash, Fixed Deposits and Short-term Securities.

^{**}Harduding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

[@] Excluding Loans and Advances from the National Agricultural Credit (Long Ferm Operations) Fund, but including temporary over-drafts to State Governments.

[†]Includes Rs. 110,27,49,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.
††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

An Account pulsuam to the Reserve Bank at India Aci, 1934, the the week ended the 28th day of August, 1970. ISSUE DEPARTMENT

LIABILITIES	Rs.	Ra.	ASSETS	Rs.	Rs.
Notes held in the Banking Depart- ment	22,14,64,000		Gotd Coin and Bullion :-		
Notes in Circulation .	3833,02,14,000		(a) Held in India	182,53,11,000	
Total Notes issued		3855,16,78, 000	Poreign Securities	356,42,00,000	
			Rupee Coin Government of India Rupee Securities Internal Bills of Exchange and other commercial paper	:	538,95,11,00 63,64,62,00 3252,57,05,00
TOTAL LIABILITIES		3855,16,78,000	TOTAL ASSETS	•	3855,16,78,0

Dated the 2nd day of September, 1970.

S. Jagannathan, Governor. [No. F. 3(3)-BC/70.]

K. YESURATNAM, Under Secy.

एस॰ भी॰ 3019.—23 अगस्त, 1970 को रिजर्व बैंक ग्राफ इंडिया के बैंकिम विभाग के कार्य कलाप का विवरण ।

देयताएं				स्पये	भ्रास्तियां			रुपये
कृता पूंजी		•	•	5,00,00,000	नोट ,	•	•	22,14,64,000
गरिक्षत निधि .	•			150,00,00,000	स्पये का सिक्का	•	•	10,05,000
					छोटा सिक्का	•		4,57,000
ाष्ट्रीय कृषि ऋ न					खरीदे भौर भुनाये गये विल:—			
(दीर्घकालीन क्रियाएं) निधि			•	172,00,00,000	•			
ाष्ट्रीय कृषि ऋ ष					(क) देशी	•	•	••
(स्थिरीकरण) निधि	•	•	•	37,00,00,000	(ख) विदेशी	•	•	••
,				-	'(ग) सरकारी खजाना वि ल	•	•	34,74,60,000
ष्ट्रीय ग्रौद्योगिक ऋष					विदेशों में रखा हुम्रा बकाया* .			100,19,63,000
(दीर्घंकासीन कियाएं) निधि		•		95,00,00,000	निवेश ^{**}		,	108,24,01,000
मा राश्चियां :—					ऋण ग्रौर भ्रग्रिम :—			
क) सरकारी					(i) केन्द्रीय सरकार को .			
(i) केन्द्रीय सरकार				87,45,88,000	$({\mathrm{ii}})^{'}$ राज्य सरकारों को $@$			75,34,34,000
(jí) राज्य सरकारें				9,69,25,000	-			
\ - <i>\</i>					ऋष भौर धप्रिम :			
(ख) बेंक					(i) धनुसूचित वाचिज्य बैंकों व	हो† .	•	209,15,49,000
(i) ग्रनुसूचित वाणिज्य	बैं क			19 5,7 I,35,000	(ii) राज्य सहकारी बैंकों को			244,44,72,000
(ji) प्रनुसूचित सम्बस्स	_	5		7,56,71,000	(iii) दूसरों को	1	_	1,46,95,000

नई दिल्ली, 4 सितम्बर, 1970

	ाये 	· 		· ——	· 	च्या कामिल हैं।	*14	•	<u>. </u>	•	•	
						925,98,10,000	· रु पये				-	925,98,10,000
							श्रन्य श्रासि	तयां		•	•	32,34,42,000
						, , , ,	(ख) विकास दै व				चिरों में नि	
						34,27,17,000	(क) विकास बै	क को ऋण ग्री	र ग्रग्निम			26,26,71,000
							•	गम म्हेग (पार ग्रिम झौर निवेश		indis)	เทเน	
य देयता	ए	•	•	•	•	85,10,31,000	•	बकाकाऋण गेकऋष्ण (दीध			ਜ਼ਿਥ	5,17,78,00
_							श्रौर श्रप्रिम				•	
							- ,	षंऋण (स्विरं				, , ,
बिल						96,0 3 ,6 9 ,00 0	(ख) केन्द्रीय	•			निवेश	6,57,02,000
						35,02,000	- ,	। सहकारीं वैंकों ोय भूमिबन्धक		•	•	22,41,74,00
) ग्रन्य		•	•	•	•	78,72,000	. ,	सरकारों को 		•	•	34,31,43,000
							(क) ऋण ग्रं					
(**)	भ्रन्य बैंक		•		•		ऋण, स्रक्रिम	। भारानवज्ञः	-			

† বাল্दीय कृषि ऋण (दीर्चकालीन क्रियाएं) निधि भौर राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण भौर अधिम शामिल नहीं हैं।

The was the series of the seri

/:::\ केर सरमाध्यित सहस्य सरकारी केंद्र

तारीख: 2 सितम्बर, 1970 I

3

रिजर्व बैंक आफ इंडिया अधिनियम, 1934 के अनुसरण में अगस्त, 1970 की 28 तारीख को समाप्त हुए सप्ताह के लिये लेखा इश विभाग

देयताएं	रूपये	रुप ये	म्रास्तियां	स्पये	स्पये
बैकिंग विभाग में रखे हुए			सोने का सिक्का प्रौर बुलियन:-		
नोट .	22,14,64,000		(क) भारत में रखा हुन्ना	182,53,11,000	
संचलन में नोट	3833,02,14,000		(ख) भारत के बाहर रखा		
			हम्रा .	• •	
•			विदेशी प्रतिभूतियां	356,42,00,000	
जारी किए गए कुल नोट		3855,16,78,000	• •		
			जोड़		538,95,11,000
			रुपयेकासिक्का		63,64,62,000
			भारत सरकार की रूपया		
			प्रतिभृतियां		3252,57,05,000
			देशी विनिमय बिल भौर		
			दूसरे वाणिज्य-पत्न .		• •
कुल देय ताएं		3855,16,78,000	कुल म्रास्तियां .	-	3855,16,78,000
					
तारीम 2 सितम्बर, 1970	l				एस० जगन्नायन,
					गवर्नर ।

गवनर ।
[सं॰ फ॰ 3 (3)-वी॰ सी॰/70]
के॰ येसूरत्नम, ग्रनु-सिवव ।

(Department of Economic Affairs)

New Delhi, the 28th July 1970

- S.O. 3020.—In exercise of the powers conferred by section 6 of the Indian Coinage Act, 1906 (3 of 1906), the Central Government hereby determines that—
 - (a) coins of the following denominations shall also be coined at the Mint for issue under the authority of the Central Government on the occasion of the 25th Anniversary of the establishment of the Food and Agricultural Organisation in October, 1970, namely:—
 - (i) Ten-rupees,
 - (ii) Twenty-paise.
 - (b) the coins of the above denominations shall conform to the following dimensions, designs and composition, namely:—

Denomination of the coin	Shape and outside diameter	Number of Serrations"	Metal composition
Ten Rupees	Circular; 34 millimetres	155	Eighty percent silver and twenty percent copper.
Twenty Paise	Circular; 22 millimetres	112	Aluminium - Bronzer (ninety two percent copper, six percent aluminium and two percent nickel).

Designs:

Ten Rupees-Obverse.—The obverse side of the coin shall bear the Lion Capital of Asoka Pillar with the words "भारत" in Hindi and "India" in English with a five-pointed star in between the two words inscribed on the upper periphery. It shall also bear the denominational value "10" in international numerals and the words "६५६" in Hindi and "Rupees" in English on the lower periphery. The inscriptions on the upper and lower peripheries shall be separated by a dash on either side.

Reverse.—The reverse side of the coin shall depict a lotus in full bloom flating on water in the centre, with ears of corns on either side. The rising sun cut by the upper periphery shall appear above the lotus. The inscriptions "Food for all" and "सब के लिए ब्रन्न" shall appear on the lower periphery in English and Hindi script respectively. The year of issue "1970" shall be inscribed below the lotus.

Twenty Paise—Obverse.—The obverse side of the coin shall bear the Lion Capital of Asoka Pillar with the words "भारत" in Hindi and "India" in English with a five-pointed star in between the two words inscribed on the upper periphery. It shall also bear the denominational value "20" in International numerals and the words "पैसे" in Hindi and "Paise" in English on the lower periphery. The inscriptions on the upper and lower peripheries shall be separated by a dash on either side.

Reverse.—The reverse side of the coin shall depict a lotus in full bloom floating on water in the centre, with ears of corns on either side. The rising sun cut by the upper periphery shall appear above the lotus. The inscriptions "Food for all" and "सब के लिए प्रन्त" shall appear on the lower periphery in English and Hindi script respectively. The year of issue "1970" shall be inscribed below the lotus.

2. This notification shall come into force on the 1st day of August, 1970.

[No. F. 1/1/67-Coin/Pt. I(i).]

(म्रर्थविभाग)

नई दिल्ली, 28 जुलाई, 1970

एस॰ ग्रो॰ 3020—भारतीय सिक्का ढलाई (क्वाइनेज) श्रधिनियम, 1906 (1906 के तीसरे) की धारा 6 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा यह निश्चय करती है कि—

- (क) खाद्य और कृषि संगठन की स्थापना की 25 वीं वर्ष गाठ के ग्रवसर पर ग्रक्टूबर, 1970 में केन्द्रीय सरकार के प्राधिकार में जारी किये जाने के लिये निम्नलिखित मूल्य के सिक्के भी टक्सालों में ढाले जायेंगे, ग्रर्थात् :---
 - (i) दस रुपये
 - (ii) बीस पैसे
- (ख) उपर्युक्त मूल्य के सिक्कों का आकार, नमूने श्रौर उनमें धातु का मिश्रण निम्नलिखित प्रकार से होगा, श्रर्थात् :—

सिक्के का मूल्य		श्राकार ग्रौर बाहरी घेरा	कटानों की संख्या	धातुका समिश्रण			
(1)		(2)	(3)	(4)			
दस रुपये	ī Ā	गोल ; 34 मिलिमीटर	155	80 प्रतिषा । चांदी 20 प्रतिषत तांबा			
बीस पैसे		गोल ; 22 मिलीमीटर	112	ए ल्यू मिनियम—कांसा (बानव प्रतिशत तांबा छः प्रतिशत एल्यू मिनियम और दो प्रतिशत निकल)			

नमूने :

वस रुपये - मुख भाग - इस सिक्के के मुख भाग पर हिन्दी में "भारत" और अंग्रेजी में "इण्डिया" शब्दों सहित अशोक स्तम्भ का सिह शिर्ष होगा और ऊपरी घेरे में खुदे हुए दो शब्दों के बीच पांच कोनों वाला तारक चिन्ह होगा। इसके निचले घेरे में सिक्के का मूल्य "10" अन्तर्राष्ट्रीय अंकों में हिन्दी में "रुपये" और अंग्रेजी में "रूपीज" शब्दों के साथ खुदा होगा। ऊपरी और निचले घेरों में दिये मुझलेख दोनों और रेखा (डैश) लगा कर अलग किए आएंगे।

पृथ्ठ भाग — सिक्के के पृष्ठ भाग पर मध्य में जल में तैरता हुआ पूरा खिला हुआ कमल और उसके दोनों ओर गेहूं की बालें दिखाई जाएंगी। कमल के ऊपर, ऊपरी घेरे से कटता हुआ उदीयमान सूर्य श्रंकित होगा। निवले घेरे में श्रंग्रेजी और हिन्दी दोनों लिपियों में कमशः "पूड फार आल" और "सब के लिये अन्न" ये शब्द खुदे होंगे। निर्गम वर्ष "1970" कमल के नीचे लिखा होगा।

श्रीस पैसे----मुख भाग सिक्कें के मुख भाग पर हिन्दी में "भारत" श्रीर अंग्रेजी में "इण्डिया" करदों के साथ श्रशोक स्तम्भ का सिंह शीर्ष होगा श्रीर उसके ऊपरी घेरे में खुदे हुए वो शब्दों के बी च

पांच कोनों वाला तारक जिन्ह होगा। इसके निचले घेरे में सिक्के का मूल्य "20" अन्तर्राष्ट्रीय अंकों मैं, हिन्दी और अंग्रेजी में 'पैसे" गब्दों के साथ खुदा होगा। ऊपरी और निचले घेरों में खुदे हुए गब्द और चिन्ह दोनों श्रोर रेखा (डैश) लगा कर अल : किये आयेंगे।

पृ.ठ भाग--सिक्क के पृष्ठ भाग पर मध्य में जल में तैरता हुआ पूरा खिला हुआ कमल और उसके दोनों श्रोर गेहूं की बालें दिखेंगी जायेगी। कमल के ऊगर, ऊपरी घेरे से कटता हुआ उदीयमान सूर्य का श्राकार बना होगा। निचले घेरे में श्रंग्रेजी श्रीर हिन्दी लिपियों में कमशा: "फूड फार श्राल" और "सब के लिये शत्र" शब्द खुदे होंगे। निर्गम वर्ष 1970 कमल के नीचे लिखा होगा।

यह अधिसूचना पहली अगस्त, 1970 से लागू होगी।

[संख्या एफ०
$$1/1/67$$
-ज्ञवाह्न/पी०टी०- $\mathbf{I}(i)$]

- S.O. 3021.—In exercise of the powers conferred by sub-section (1) of section 21 read with section 7 of the Indian Coinage Act, 1906 (3 of 1906), the Central Government hereby makes the following rules, namely:—
- 1. Short title and commencement.—(1) These rules may be called the Indian Coinage Rules, 1970.
 - (2) They shall come into force on the 1st day of August, 1970.
- 2. Standard weight and remedy allowed.—The standard weight of the following coins coined under the provisions of section 6 of the Indian Coinage Act, 1906 and the remedy allowed in the making of such coins shall be as specified below:—

Denomination				Weight		Remedy allowed	
Ten Rupees .	•		•	•	15 grammes	3/1000th in fineness and 7/1000th in weight (Plus or Minus).	
Twenty Paise .	•		·	•	4.5 grammes	1/40th in weight (Plus or Minus.)	

[No. F. 1/1/67-Coln/Pt. I(il).]

M. K. VENKATARAMAN, Under Secy.

एस॰ ग्रो॰ 3021 -भारतीय सिक्का ढलाई प्रधिनियम, 1906 (1906 के तीसरे) की घारा 7 के साथ पठित धारा 21 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित नियम बनाती है, ग्रथीत् :---

- 1. संक्षिप्त शोर्षक श्रौर उनका प्रारम्भः (1) ये नियम "भारतीय सिक्का ढलाई नियमावली, 1970" कहे जायेगे ।
 - (2) ये नियम पहली भ्रगस्त, 1970 से लागू होंगे।
- 2. मानक तौर ग्रील धनुमा परिहार: (रेमेडी ग्रलाउड)—भारतीय सिक्का ढलाई ग्रधि-नियम, 1906 की धारा 6 के उपबन्धों के ग्रधीन ढाले गये निम्नलिखित सिक्कों का मानक तौल ग्रौर उनके बनाने में ग्रनुमत परिहार नीचे दिये ग्रनुसार होंगे :--

सिनके का मूल्य	तौल	श्रनुमत परिहार
दस रुपये	1 5 ग्राम	शुद्धता में 3/1000 वां भाग ग्रीर तौल में 7/1000 वां भाग (ग्रधिक या कम)
बीस पैसे	4.5 ग्राम	तौल में 1/40 वां भाग (ग्रधिक ग्रथवा कम)

[सस्था एक॰ 1/1/67-क्याइन/पी॰ टी॰ I(ii)]

एम० के० वैकटरामन, भ्रनु-सचिव, भारत सरकार ।

(Department of Revenue and Insurance)

INSURANCE

New Delhi, the 31st August 1970

S.O. 3022.—Whereas the Central Government is satisfied that by section 11 and 12 of the Insurance Act, 1932—1960 of the Commonwealth of Australia, insurance companies incorporated in India are required as a condition of carrying on insurance business in the Commonwealth of Australia to comply with certain special requirements not imposed on insurers of that country under the Insurance Act, 1938 (4 of 1938) (hereinafter referred to as "the Act");

Now, therefore, in exercise of the powers conferred by section 62 of the Act and in supersession of the notification of the Government of India in the Ministry of Finance No. 51(7)-INS/I/63, dated the 12th November, 1963, the Central Government hereby directs that the following requirements, being requirements as similar as may be to the said special requirements, shall be imposed upon all insurers constituted, incorporated or domiciled or having their principal place of business in the Commonwealth of Australia (hereinafter referred to as Australiar insurers) as a condition of their carrying on the business of insurance in India, namely:—

The Act shall apply to Australian insurers as if after sub-section (6) of section 7 of the Act, the following sub-section were inserted, namely:—

"(6A) Where the business done or to be done is one or more classes of fire, marine or miscellaneous insurance business, the amount to be deposited and kept deposited under this section shall be ten lakhs and seventy thousand rupees, or the amount required to be deposited and kept deposited in accordance with the preceding sub-sections, whichever is greater;

Provided that, in the case of an insurer carrying on fire, marine or miscellaneous class of insurance business in India on the 18th May, 1961, the amount to be deposited and kept deposited shall be—

- (a) an amount equal to one thousand rupees for every five thousand rupees of the net premium income in India in the last calendar year subject to a maximum of ten lakbs and seventy thousand rupees, or
- (b) the amount to be deposited and kept deposited in accordance with the requirements in the preceding sub-sections, whichever is greater."

[No. $\mathbf{F}.107\text{-}\mathbf{IE}(1)/62\text{-}(I).1$

(राजस्व ग्रीर बीमा विभाग)

बीमा

नई दिल्ली, 31 श्रगस्त, 1970

का० आ० 3022.—यतः केन्द्रीय सरकार का समाधान हो गया है कि आस्ट्रेलिया के कामनवेल्थ के इंग्योरेंस ऐक्ट, 1932—1960 की धाराश्रों 11 और 12 द्वारा भारत में नियमित बीमा कम्पनियों से श्रास्ट्रेलिया के कामनवेल्थ में कारबार चलाने की एक गर्त के रूप में यह प्रपेक्षित है कि वे कतिपय विशेष श्रपेक्षाश्रों का श्रनुपालन करे जो बीमा श्रधिनियम, 1938 (1938 का 4) (जिसे इसमें इसके पश्चात "श्रधिनियम" कहा गया है) के श्रधीन उम देश के बीमा कर्ताओं पर श्रधिरोपित नहीं है।

श्रवः श्रव, अधिनियम की धारा 62 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्रीर भारत सरकार के वित्त मंत्रालय की श्रधिभूचना सं० 51(7)—श्राई० एन० एम० 1/63, तारीख 12 नवम्बर 1963 को श्रधिकांत करते हुए केन्द्रीय सरकार एतद्द्वारा निदेश देती है निम्नर्लिखर्ती श्रपेक्षाएं, जो उकत विशेष श्रपेक्षाश्रों के यथासंभव समान् है, श्रस्ट्रेलिया के कामनवेल्थ में गठित, नियमित या श्रधिवासी या श्रपने कारबार का प्रधान स्थान रखने वाली सभी बीमा कर्ताश्रों पर (जिन्हें इसमें इसके पश्चात श्रास्ट्रे-

लियाई बीमा कर्ता कहा गया है), भारत में उनके बीमा कारबार चलाने की एक शर्त के रूप में अधिरोपित की जाएगी, श्रर्थात :---

श्रधिनियम श्रास्ट्रेलियाई बीमा कर्ताश्रों को ऐसे लागू होगा मानो धारा 7 की उपधारा (6) के पश्चात निम्नलिखित उपधारा श्रन्तः स्थापित की गई हो, श्रर्थातु :---

"(6क) जहां कि किया जा रहा या किया जाने वाला कारवार ग्रांग्न, समुद्री या दिक्षिय बीमा कारवार के एक या ग्राधिक वर्ग का हो वहां इस धारा के ग्रधीन निक्षिप्त की जाने वाली या निक्षिप्त रखी जाने वाली रकम दस लाख सतर हजार रुपए या पूर्वदर्ती उपधाराद्यों के भ्रनुसार निक्षिप्त की जाने वाली या निक्षिप्त रखी जानी वाली ग्रपेक्षित रकम, इनमें से जो भी ग्रधिक हो वह, होगी:

परन्तु 18 मई, 1961 की भारत में, श्रीग्न, समुंद्री या विविध वर्ग का बीमा कारबार चला रहे बीमाकर्ता की दिशा में निक्षिप्त की जाने वाली या निक्षिप्त रखी जाने वाली रक्स--

- (क) गत कलेण्डर वर्ष में भारत में शुद्ध प्रीमियम ब्राय के प्रत्येक पाँच हजार रुपए के लिए एक हजार रुपए के कारबार की रकम होगी परन्तु शर्त यह है कि इसकी ब्रिधिकतम रक्षम दस लाख सत्तर हजार रुपये होगी या
- (ख) पूर्ववर्ती उपधाराओं की भ्रमेक्षाओं के श्रनुसार निक्षिप्त की जाने वाली या निक्षिप्त रखी जाने वाली, इनमें से जो भी श्रधिक हो वह, रकम होगी।"

[सं० फा० 107-म्राई० ई० (1)/62-1]

S.O. 3023.—Whereas the Central Government is satisfied that by sections 7, 12, and 14 of the Foreign Insurance Companies Act, 1932 of Canada (22-23 Geo V.Ch.47), insurance companies incorporated in India are required as a condition of carrying on insurance business in Canada to comply with certain special requirements not imposed on insurers of that country carrying on insurance business in India under the Insurance Act, 1938 (4 of 1938) (hereinafter referred to as "the Act");

Now, therefore, in exercise of the powers conferred by section 62 of the Act and in supersession of the notification of the Government of India in the Ministry of Finance No. 107-IE(2)/50, dated the 17th July, 1951, the Central Government hereby directs that the following requirements, being requirements as similar as may be to the said special requirements, shall be imposed upon all the insurers constituted, incorporated, domiciled or having their principal place of business in Canada (hereinafter referred to as Canadian insurers) as a condition of their carrying on the business of insurance in India, namely:—

The Act shall apply to Canadian insurers as if:—(i) after sub-section (6) of section 7, the following sub-section were inserted, namely:—

"(6A) Where the business done or to be done is fire insurance, marine insurance and miscellaneous insurance business, the amount to be deposited and kept deposited under this section shall be Rs. 13,50,000, or the amount to be deposited and kept deposited in accordance with the preceding sub-rections, whichever is greater:

deposited in accordance with the preceding sub-rections, whichever is greater:

Provided that, the sum to be deposited in respect of the aforesaid classes of insurance business by an insurer, registered under the Act, before the first day of January, 1951, for fire insurance, marine insurance and miscellaneous insurance (fidelity guarantee and workmen's compensation insurance only) business shall be Rs. 11,75,000, or the amount to be deposited and kept deposited in accordance with the preceding sub-sections, whichever is greater.

(ii) after sub-section (6) of section 27, the following sub-section were inserted, namely:—

"(7) Every Canadian insurer shall invest and at all times keep invested in India assets equivalent to not less than the amount of his liabilities in India".

[No. F.107-IE(I)/62-(II).]
A. RAJAGOPALAN,
Officer on Special Duty,
and Ex-officio Jt. Secy.

का॰ शा॰ 3023 — यत केन्द्रीय सरकार का समाधान हो गया है कि कनाडा के फारेन इस्योरेंस एक्ट, 1932 (22-23 जार्ज ए चैंग्टर 47) की धाराश्रो 7,12 श्रीर 14 द्वारा, भारत में नियमित बीमा कर्पनियों से कनाडा में बीमा कारबार चलाने की एक शर्त के रूप में यह श्रपेक्षित है कि वे उन कितपय विशेष श्रपेक्षाश्रों का श्रनुपालन करें जो बीमा श्रधिनियम, 1938 (1938 का 4) (जिसे इसमें इसके परचात "श्रधिनियम" कहा गया है) के श्रधीन भारत में बीमा कारबार चलाने वाले उस देश के बीमा कराश्रा पर श्रधिरोपित नहीं है,

श्रत श्रव श्रधिनियम की धारा 62 द्वारा प्रदत्त शिक्तयों का प्रयोग करते हुए श्रौर भारत सरकार के वित्त मल्लालय की श्रधिसूचना मे 107—श्राइ० ई० (2)/50, तारीख 17 जुलाई, 1951 को श्रधिकान्त करते हुए केन्द्रीय सरकार एतद्द्वारा निदेश देती है कि निम्नलिखित श्रपेक्षाऐं जो उक्त विशेष श्रपेक्षाश्रों के यथासभव समान हैं, कनाडा में गठित निगमित या श्रधिवासी या श्रपंने कारवार का प्रधान स्थान रखने वाले सभी बीमा कर्ताश्रों पर (जिन्हें इसमें इसके पश्चात कनाडा के बीमा कर्ताश्रों कर शर्त के रूप में श्रधिरोपित की जाएगी, श्रथित .—

- (I) अधिनियम, कनाडा के बीमा कत्तांत्र्या को ऐसे लागू होगा मानो धारा 7 की उपधारा (6) के पश्चात निम्नलिखित उपधारा अन्त स्थापित की गई हो, अर्थात .—
 - "(6क) जहां कि किया जा रहा था किया जाने वाला कारबार अपनि, बीमा, समुद्री बीमा और विविध बीमा कारबार हो, वहां इस धारा के अधीन निक्षिप्त की जाने वाली या निक्षिप्त रखी जाने वाली रकम, 13,50,000 ६० या पूर्व-वर्ती उपधाराम्रो के ग्रनुसार निक्षिप्त की जाने वाली या निक्षिप्त रखी जाने वाली रकम, इनमें से जो भी अधिक हो वह, होगी:

पग्न्तु 1951 की जनवरी के प्रथम दिन से पूर्व, श्रिधिनियम के श्रधीन रिजस्ट्रीकृत बीमा कर्त्ता द्वारा उपर्युक्त वर्ग के बीमा कारबार के सबध में, ग्रग्नि—श्रीमा, समुद्री बीमा श्रौर विविध-श्रीमा (केवल विश्वस्तता गारटी श्रौर कर्मकार प्रतिकर बीमा) कारबार के लिए निक्षिप्त की जाने वाली रक्कम 11 75,000 रुपये या पूर्ववर्ती उपधाराग्रो के श्रनुसार निक्षिप्त की जाने वाली या निक्षिप्त रखी जाने वाली रकम, इसमें से जो भी श्रिधक हो वह, होगी।"

- (II) धारा 27 की उपधारा (6) के पश्चात निम्निसिखित उपधारा भ्रन्त स्थापित की गई हो भ्रथित.—
 - "(7) प्रत्येक कनाडा का बीमाकत्ता भारत मे भ्रपने दायित्वो की रकम से श्रन्यून के समतुत्य श्रास्तिया भारत मे विनिष्टित करेगा श्रीर सभी समय विनिष्टित बनाए रखेगा ।"

[सं॰ फा॰ 107-श्राई॰ ई॰ (I)/62-(II).]

ए० राजगोपालन,

विशेष-कार्य स्रधिकारी तथा पदेन संयुक्त सचिव ।

(Department of Revenue and Insurance)

STAMPS

New Delhi, the 12th September 1970

S.O. 3024.—In exercise of the powers conferred by clause, (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds of the value of fifty-five lakhs of rupees, to be issued by the Kerala Financial Corporation, are chargeable under the said Act.

[No. 13/70-Stamps/F, No. 1/26/70-Cus.VII.]

P. K. KAPOOR, Under Secy.

(राजस्व एवं बीमा विभाग)

स्टाम्प

नई दिल्ली, 12 सिनम्बर,1970

एस॰ श्रो॰ 3024.—भारतीय स्टाम्प श्रिक्षित्यम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एत्र्द्रारा उस शुल्क से जिसके द्वारा केरल विकीय निगम द्वारा पुरोध्त किए जाने वाले पचपन लाख रुपये मूल्य के बंध पत्र उक्त श्रिक्षित्यम के श्रिधीन प्राभार्य हैं, छुट देती है।

> [सं० 13/70-स्टेक्स्प/फा० सं० 1/26/70-सी० शु० VII] पी० के० कपूर, भ्रवर सचित्र ।

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, dated the 25th June, 1970

S. O. 3025.—In exercise of the powers conferred by Section 126 of the Income-tax Act, 1961(43 of 1961), the Central Board of Direct Taxes hereby, makes the following further amendments in its Notification S.R.C. 1214 (No. 44-Income-tax) dated the Ist July, 1952, namely:

In the Schedule appended to the said Notification for the existing entries in columns 2, 3, 4, 5, 6 against Sl. No. 9, 10, 11, 11-A, 13, 14, 15 the following entries shall be substituted namely:

.S1. No		Persons	Income-tax Officer	I.A.C. of I	.T A.A.C. of	I.T. C.I.T.
_	I	2	3	4	5	6
	9	Persons (excluding those who fall under serial Nos. 6,52,52-A, 69,70,70-A, and 71 of this notification and 33,34 of notification No. 10 (F. No. 55/12)/67-I.T. (A-II) dated 25-9-1967 and SI. No. 57(1) of Notification No. 5 (F. No. 187/2/70-IT(AI) dated 15-6-70.) not resident in the taxable territories whose total income is made up of inconic wholly taxed or taxable at source or dividends or both and which exceeds Rs. 5,000/		I.A.C., PP-Range, Bombay.	A.A.C., C-Range, Bombay.	C.I.T., Eombay City-I Bombay,
•	0	Pensioners (other than those who fall under serial No. 70) who draw their Pension in the United Kingdom.	Do,	Do.	Do.¶	₽o.

THE GAZETTE OF INDIA: SEPT. 19, 1970/BHADRA 28, 1892

408o

[PART II-

केन्द्रीय प्रत्यक्ष कर बोर्ड

(म्रायकर)

नई दिल्ली, 25 जून, 1970

एस॰ घो॰ 3025.--प्रायकर प्रधिनियम, 1961 (1961 का 43) की धारा 126 द्वारा प्रवत शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड प्रपती श्राधसूचना का० नि० श्रा० 1214 संख्या 44-श्रायकर) तारीख 1 जुलाई, 1952 में और श्रागे निम्नलिखित संशोधन करता है, अर्थात :--

उक्त प्रधिसूचना से संलग्न प्रनुसूची में, ऋम मं० 9, 10, 11, 11-क, 13, 14, 15 के सामने स्तंभ 2, 3, 4, 5, 6 में की विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां प्रति-स्थापित की जाएगी, श्रशीतु:---

त्राम सं०	व्यक्ति	भ्रायकर श्रधिकारी	सहायक श्रायकर ग्रायुक्त (निरीक्षरण)	म्रायकर (भ्रशील	•
1	2	3	4	5	

कराध्येय क्षेत्रों के प्रतिवासी व्यक्ति (उन प्रथम ग्राय- सहायक व्यक्तियों को प्रपर्वाजन करके जो इस अधिसचना की ऋम स० 52, 52-क, 69, 70, 70-क श्रोर 71 श्रीर ग्रधिसूचना सं० 10(एफ सं० 55/129/76-- आई० टी० (ए−ii)

तारीख 25-9-1967 की ऋम सं० 33, 34 भ्रीर अधिसूचना म० 5 की (एफ० सं० 187/2/70-(ए−ां) नारीख श्रार्ध टी 15-6-70 零年 सं 0 57 (1) के अन्तर्गत आते हैं) जिनकी कुल म्राय ऐसी भ्राय से जिस पर कर पूर्णतः स्रोत पर, लगता है या स्रोत पर कराधेय है, या लाभांकों से या दोनों से मिल कर बनी है और जो 5000/- ६० से ऋधिक है।

सहायक ग्रायकर कर श्रिधि-ग्रायुक्त श्रमीली श्रायुक्त कारी, एन० (निरीक्षण) **ग्राय**क्त म् म्बई ग-रेंज नगर-1 ग्रार० ग्रार० त० त० सी० मुम्बई रेज मुम्बई मुम्बई म्। बर्ध

सुचना सं० 5 (एफ.० सं० 187/2/

15-6-70) की क्रम सं० 57(1) के ध्रन्तर्गत घाते हैं) जो नेपाल के निवासी हैं भीर जिनकी कुल म्राय ऐसी भ्राय से जिस पर कर पूर्णतः स्रोत पर लगता है या लाशांगों से या दोनों से मिल कर बनी है।

70--- श्राई टी (ए-i)

6

1

2

सहायक

ग्रायुक्त

(निरीक्षए)

मुम्बई

4

3

5

करादेय क्षेत्रों के भ्रानिवासी काक्ति (उन क्षितीय 13. व्यक्तियों को अपर्वजित करके जो आयकर ६स ऋधिसूचनाकी ऋम सं० 6, ग्रधिकारी 52, 52-क, 69, 70, 70-क भीर एन० म्राग्० त०त० रेंज 71 भ्रौर भ्रधिसूचना सं० 10(एफ० सी०सी०, सं० 55/129/67-माईटी (ए-मुम्बई 11) तारीख, 25-9-67 की कम सं० 33, 34 भीर भ्रधिसूचना सं० 5 [एफ० सं० 187/2/70/-म्प्राई टी (ए~1) तारीख 15-6-70 की कम सं० 57 (1) के अन्तर्गत माते हैं। जिनकी कुल माय ऐसी द्याय से जिस पर कर पूर्णतः स्रोत पर लगता है या लाभांशों से या दोनों से मिल कर बनी है सौर जो 5,000/-र० से भ्राधिक नही है।

सहायक ग्रायकर प्रवीली भायुक्त ्रंप्रायुक्त मुम्बई ग⊸रेंअ नगर-11 मुम्बई मुम्बई

दोहरे काराधार से राहत का धावा करने वाले कराधेय क्षेत्रों के प्रति-वासी व्यक्ति [उन व्यक्तियों को ग्राविजित करके जो इस प्रधि-स्चना की कम सं० 6, 52, 52-69, 70, 70-क भौर 71 भौर श्रविसूचना सं० 10 एफ० सं० 55/129/67-माई टी० (ए-11) तारीख, 25-9-67 की कम सं० 33, 34 भौर मधिसूचना सं० 5 [एफ० सं० 187/2/70—भार्षि० टी॰ (ए-1) के धन्तर्गत धाते हैं] जिनकी कुल भाय 5,000/-- रु० से म्रधिक नहीं है।

यथोक्त ययोक्त यथ् विकास 1 2 3 4 5 6

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करादेय क्षेत्रों से बाहर की वे धार्मिक 🧏 द्वितीय सहायक सहायक ग्रायकर 15. श्रौर पूर्व संस्थाएं, जो भारतीय ूँ श्रायकर श्राय्कत श्रपीली श्रायक्त भ्रायकर भ्रधिनियम, 1922 की ऋधिकारी (निरीक्षरा) श्रायुक्त मम्बई धारा 4(3) (i) श्रीर (ii) - एन० श्रार० त०न० रेंज ग-रेंज नगर-1 भारतीय ग्रायकर ग्रधिनियम, सी० सी० मुम्बई मम्बई 1961 की धारा 11, 12 और 13 मम्बई के अधीन आयकर के दापित्वाधीन नहीं है. जो स्रोत पर कटोती किए गए करकी वापसीयाछ्ट प्रभाग-पत्नों के लिए भ्रावेदन करती है ।

[मं० 7/एफ सं० 187/12/70-म्ब्राई टी (ए-I)]

New Delhi, the 18th July 1970

S.O. 3026.—In exercise of the powers conferred by section 126 of the Incometax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby deletes Serial Nos. 18(a) and (b) and the entries thereagainst from the Schedule attached to its Notification No. 1 (F. No. 55/233/63-IT) dated the 18th May, 1964 without prejudice to any order that may have been passed by the Commissioner of Incometax under section 127(1) of the Act.

This notification shall take effect from 5th August, 1970.

[No. 10/F. No. 55/224/69-IT(AI).]

नई दिल्ली, 18 जुलाई, 1970

एस मो बारा 126 सारा प्रदत्त मिन्तियों का प्रयोग करते हुए केन्द्रीय प्रस्थक्षकर बोर्ड एतद् द्वारा अपनी अधिसूचना संव 1(फाव संव 55/233/63-आईटी) तारीख, 18 मई, 1964 से संलग्न अनुसूची में से कम संव 18(क) और (ख) और उनके सामने की प्रविष्टियों को किसी ऐसे आदिण पर प्रतिकूल प्रभाव डाले बिना जो अधिन्यम की धारा 127 (1) के अधीन आयकर आयुक्त द्वारा पास किया गया हो, काटता है।

यह प्रधिसूचना 5-8-70 से प्रभावी होगी।

[सं० 10/फा०सं० 55/224/69-आईटी (ए० ग्राई)]

CORRIGENDUM

New Delhi, the 6th July 1970

S.O. 3627.—In exercise of the powers conferred by Section 126 of the Incometax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby modifies its notification No. 3/F. No. 55/165/68-IT(AI) dated 24th April, 1970 as under:—

I. Against item 4 of Annexure 'A' for I.T.O., Salaries Circle, Shillong read I.T.O., A-Ward, Salary Circle, Shillong.

- II. Against item 5 of Annexure 'A' for Income-tax Officer, Salaries Circle, Agartala read Income-tax Officer, B-Ward, Agartala.
- III. After item 5 of Annexure 'A' the following item shall be added-

5 a. Deputy Accountant General, Imphal I.T.O., A-Ward, Imphal.

- IV. Against items 8 and 9 of Annexure 'A' for Income-tax Officer, Salaries Circle, Patna-read Income-tax Officer, Ward G, Patna.
- V. Against item 67 of Annexure 'A' for Income-tax, Officer, Salaries Circle, Pandu (Assam) read Income-tax Officer, B-Ward, Gauhati.

[No. 9/F. No. 55/165/68-IT(AI).]

S. N. SHENDE, Under Secy.

शुद्धि पत्र

नई दिल्ली, 16 जुलाई, 1970

एप॰ मो॰ 3027.—-म्रायंकर अधिनियम, 1961 (1961 का 43) की धारा 126 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्षकर बोर्ड एतद्द्वारा म्रपनी अधिसूचना सं॰ 3 (फा॰ सं॰ 5165/ 68-आई टी (ए॰ रि) तारीख 24-4-70 को निम्नलिखित रूप में उपान्तरित, करता है:—

- I. उपाबंध 'क' की मद 4 के सामने ग्राय-कर ग्रधिकारी, वेतन सकिल, शिलांग के स्थान पर ग्रायकर ग्रधिकारी, क-वार्ड, वेतन सकिल, शिलांग पढें।
- II. उनावंध 'क' की मद 5 के सामने श्राय-कर श्रधिकारी, वेतन सकिल, श्रगरतला के स्थान पर श्राय-कर श्रधिकारी ख-वार्ड. श्रगरतला पढें।
- III. उपाबंध 'क' की मद 5 के पश्चात् निम्नलिखित मद जोडी जाएगी ---

5 --- क उप महालेखापाल,

ग्राय-कर प्रधिकारी,

इम्फाल ।

क–वार्ड इम्फ≀ल।

- IV. उपाबंध 'क' की मद 8 श्रौर 9 के सामने ग्राय-कर ग्रिधकारी, बेनन सिंकल, पटना के स्थान पर श्राय-कर ग्रिधकारी वार्ड छ पटना पहें।
 - V. उपाबंध 'क' की मद 67 के सामने श्राय-कर श्रिधकारी, बेतन सिकल, पांडू (श्रसम) के स्थान पर श्राय-कर श्रिधकारी, ख-वार्ड गोहाटी पढें।

[म॰ 9/फा॰ म॰ 55/165/68-म्राई टी॰ (ए॰ [)]

एम० एन० गेडे, प्रवर सचिव।

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 12th August 1970

S.O. 3028.—In pursuance of the Resolution of the Government of India in the Ministry of Information and Broadcasting No. 1/29/58-FP dated the 5th February, 1959, as amended from time to time, the Central Government hereby nominates Shri Ezra Mir/Smt. T. V. Dehejia as member of the Film Advisory Board, Bombay, with effect from the date he/she assumes charge of this office for a term of two years.

[No. 28/3/70-FP.]

सूचना मीर प्र सारण मंत्रालय

नई दिल्ली, 12 प्रगस्त, 1970

का धा 0 30 28 — भारत सरकार के सूचना और प्रसारण मंत्रालय के समय-समय पर संघोधित संकल्प संख्या 1/29/58—एफ (पी०) तारीख 5 फरवरी, 1959 के ध्रनुसार केन्द्रीय सरकार ने एतद्द्वारा श्री इजरामीर / श्रीमती टी० वी० वेहजिया को फिल्म सलाहकार बोर्ड, बम्बई का सदस्य नियुक्त किया है। यह नियुक्ति उस तारीख से 2 वर्ष की ध्रवधि के लिए की गई है जिसको वे इस पद का कार्यभार ग्रहण करेंगे।

: या 28/3/70पी एफ **]**

S.O. 3029.—In pursuance of the Resolution of the Government of India in the Ministry of Information and Broadcasting No. 1/29/58-FP dated the 5th February, 1959 as amended from time to time the Central Government hereby re-nominates Smt. Sarla Seth as member of the Film Advisory Board, Bombay with effect from the 1st July, 1970 for a term of two years.

[No. 28/3/70-FP.]

का॰ गा॰ 3029. — भारत सरकार के सूचना ग्रीर प्रसारण मंत्रालय के समय-समय पर संगोधित संकल्प संख्या 1/29/58-एफ (पी)तारीख,5 फरवरी,1959 के ग्रनुसार, केन्द्रीय सरकार एतउद्वारा श्रीमती सरला सेठ को 1 जुलाई, 1970 से 2 वर्ष की ग्रवधि के लिए फिल्म सलाहकार बोर्ड, बम्बई की सदस्या फिर से नियुक्त करती है।

[संख्या 28/3/70-एफ (पी)]

New Delhi, the 13th August 1970

S.O. 3030.—In pursuance of the Resolution of the Government of India in the Ministry of Information and Broadcasting No. 1/29/58-FP dated the 5th February, 1959, as amended from time to time, the Central Government hereby nominates Shri Surendra Jha as member of the Film Advisory Board, Bombay, with effect from the date he assumes charge of this office for a term of two years.

[No. 28/3/70-FP.]

नई दिल्ली, 13भ्रगस्त,1970

का॰ ग्रा॰ 30 30. — भारत सरकार के सूचना और प्रसारण मंत्राक्षय के समय-समय पर संशोधित संकल्प संख्या 1/29/58—(एफ पी) तारीख 5 फरवरी, 1959 के श्रनुसार, केन्द्रीय सरकार ने एतद्दारा श्री सुरेन्द्र झा को फिल्म सलाहकार बोर्ड, बम्बई का सदस्य नियुक्त किया है। यह नियुक्ति उस तारीख से 2 वर्ष की श्रवधि के लिए की गई है जिसको वे इस पद का कार्यभार ग्रहण करेंगे।

ं॰ 28/3/70-एफ (प॰ ी)]

ORDERS

New Delhi, the 31st August 1970

S.O. 3031.—In pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in Oriya language verson to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- Sub-Section (4) of Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (4) of Section 5 of the Orissa Cinemas (Regulation) Act, 1954 (Orissa Act 2 of 1954).

THE SECOND SCHEDULE

S. No.	Title of the film.	Length 35 mm	Name of the Applicant	Name of the Producer.	Whether a Scientific film or a film intended for edu- cational purposes or a film dealing with news & current events or a docu- mentary film
1	2	3	4	5	6
I	Bihanga Vihar Chilika	490·00 M	Shri B. Sahoo Producer of Films Home (P.R) Deptt. Govt. of Orissa, Bhubaneswar.	of Orissa Bhubaneswar.	Film intended for educational pur- poses (For releasein Orissa Circuit only)

[No. F. 28/1/70-FP App. 1497.]

ग्रादेश

नई दिल्ली, 31 भ्रगस्त, 1970

एस० झो०. - 3031 इसके साथ लगी प्रथम अनसूची में निर्धारित प्रत्येक श्रश्चिनयम के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड बन्बई की सिफारिशों पर विचार करने के बाद, एतव्द्राग, इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्म को उड़िया भाषा के रुपान्तरों सहित जिसका विवरण उसके मामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है: --

प्रथम सनुस्ती

- (1) चलचित्र प्रधिनियम, 1952 (1952 का 37 वां केन्द्रीय प्रधिनियम) की धारा 12 की उपधारा (3) तथा धारा 16।
- (2) उड़ीसा सिनेमा (विनियम) ग्रिधिनियम 1954 (1954 का दूसरा उडीसा ग्रिधिनियम की धारा 5 की उपधारा (4)।

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	दिसीया अनुस्ची							
ऋम संख्या	फिल्म का नाम	लम्बाई 35 मि० मि०	भ्रावेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकु- मेन्द्री फिल्म है ।			
	(1)	(2) (3) (4)	(5)	(6)			
1	बिहांगा बिह चिलिका	हार 490.00 मीटर	री बी साहू, प्रोडयूसर श्राफ फिल्मज, होम (पी ग्रार) डि- पार्टमैंट उड़ीसा सरकार, भुवाने- श्वर ।	होम (पी ग्रार) डिपार्टमेंट उड़ीसा सरकार, भुवाने- स्वर ।	शिक्षा सम्बन्धी फिल्म (केवल उड़ीसा सकिट में रिलीज करने के लिये)			

[सं । एक : 28/1/70-एफ । पी । परिशिष्ट ! 497.]

S.O. 3032.—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section 4 of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) or section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XVII of 1953).
- (3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

SI. No.	Title of the film.	Length 35 mm	Name of the Applicant.	Name of the Producer.	Whether a Scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film.
t	2	3	4	5	6
<u> </u>	Muhitichara No. 127	243·84M	Director of Information, Govt. of Gujarat, Ahmedabad.		Film dealing with news & current events (For release in Gujarat Circuit only)

एस० ग्रो० 3032.—इसके साथ लगी प्रथम ग्रन्, ह्वी में निर्धारित प्रत्येक प्रधिनियमों के उपबन्ध के ग्रन्तर्गत जारी किये गये निर्देशों के ग्रन्सार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बस्बई की सिफारिशों पर विचार करने के बाद, एतद्व्रारा, इसके साथ लगी द्वितीय ग्रन् ह्वी के कालम 2 में दी गई फिल्म को उसके गुजराती भाषा रूपान्तरों महित, जिसका विवरण उसके सामने उक्त द्वितीय ग्रन्सुची के कालम 6 में दिया हुगा है, स्वीकृत वरती है —

प्रथम भ्रातुस्ची

- (1) चलचित्र भ्रधिनियम, 1952 (1952 का 37 वा केन्द्रीय श्रधिनियम)की धारा 12 की उपधारा (4) तथा धारा 16.
- (2) बस्बई सिनेमा (विनियम) श्रिधिनियम 1953 (1953 का 17 वां बस्बई श्रिधि-नियम) की धारा 5 की उपधारा (3) तथा धारा 9.
- (3) सौराप्ट्र सिनेमा (विनियम) श्रिधिनियम 1953 (1953 का 17 वां सौराष्ट्र श्रिधिनियम) की धारा 5 की उपधारा (4) तथा धारा 9.

द्वितीय प्रनुसूची

कम संख्या	फिल्म कानाम	लम्बाई 35 मि०मी०	ग्रावेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार श्रौर सामयिक घटनाश्रों की फिल्म है या डाकु- मैन्ट्री फिल्म है
(1)	(2)	(3)	(4)	(5)	(6)
1	महितिचित्रा संख्या 127	243.84 मीटर	सूचना निदे सरकार, श्रह	शक, गुजरात हमदाबाद।	समाचार श्रीर साम- यिक घटनाझों की फिल्म (केवल गुजरास सर्किट के लिये)

MINISTRY OF TOURISM AND CIVIL AVIATION

क ० क ० खान, श्रवर मिवा।

New Delhi, the 3rd September 1970

S.O. 3033.—Whereas on the 29th August, 1970 an Indian Airlines Fokker Friendship F-27-400 aircraft VT-DWT, while on a scheduled passenger flight from Imphal to Calcutta, via Silchar, Gauhati and Agartala crashed on the said of a hill at an altitute of approximately 5000 ft. near village Khasi Jatinga, about 24 Kilometers North-North-East of Kumbhirgram, resulting in the death of 34 passengers and 5 crews;

And whereas it appears to the Central Government that it is expedient to hold formal investigation into the circumstances of the said accident;

Now, therefore, in exercise of the powers conferred by rule 75 of the Aircraft Rules, 1937, the Central Government hereby directs that a formal investigation of the said accident be held.

The Central Government is further pleased to appoint Shri S. K. Dutta, retired Judge of the Calcutta High Court, to hold the said investigation.

The Central Government is also pleased to appoint:-

- Shri G. R. Kathpalia, Director of Air Safety, Office of the Director General of Civil Aviation, New Delhi.
- (2) Group Captain J. R. Bhasin, Director of Flight Safety, Air Headquarters. New Delhi

to act as assessors to the said investigation.

4090

[No. F. 7-A/32-70.]

S. N. KAUL, Under Secy.

पर्यद्र तथा नागर विमानन मञ्जालय

नई दिल्ली, 3 सितम्बर 1970

का॰ गा॰ 3033.—यत: 29 ग्रगस्त, 1970 को इंडियन एयरलाइंस का एक फोकर फ़ैण्ड गिप एफ-27-400 विमान वी की करूप टी सिलचर, गोहाटी ग्रीर ग्रगरतत्ला के मार्ग से इम्फ़ाल से कलकता के लिए ग्रनसूचित यात्री उडान परिचालित करता हुग्रा कुम्भीग्राम से उत्तर-उत्तरपूर्व में लगभग 24 कि नोभीटर की दूरी पर, खासी जातिंगा गांव के समीप, लगभग 5,000 फीट की ऊचाई पर एक पहाडी के पार्श्व में ध्वस्त हो गया जिसके परिणाम स्वरूप 34 या लेयों तथा 5 विमान कि मिंकों नी मृत्यु हो गई। ग्रीर यतः के श्रीय सरकार की किट में उक्त युर्वेटना की परिस्थितियों में एक ग्रीपचारिक जंच करना उचित प्रतीत होता है;

श्रतः श्रव वापुपान नियम, 1937 के नियम 75 द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतव्द्रारा निदेश देती है कि उक्त दुर्घटना की एक श्रीपचारिक जांच की जाय ।

केन्द्रीय सरकार एतद्वारा कलकत्ता उच्च न्यायालय के सेवा-निवृत्त न्यायाधीश श्री एस० के० दत की उस्त जांच कार्य के लिए नियुक्ति भी करती है।

केन्द्रीय सरकार निम्निशिखित की उक्त जांच के सम्बन्ध में असेसर के रूप में कार्य करने के लिए निमृति भी करती हैं:—

- (1) श्री जी० श्रार० कथरालिया, विज्ञान सुरक्षा निदेशक, नागर विज्ञानन महानिवेशक, कः कार्यालन, नहीं दिल्ली।
- (2) रूप कैंप्टन कें श्रार० भसील. जड़ान मुरक्षा, निदेशक, वायुसेना मुख्यालय, नडे दिल्ली।

[सं॰ फ॰ 7-ए/32-70.]

सुरेन्द्र नाथ कौल, ग्रवर सचिव।

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 3rd September 1970

SO. 3034.—In exercise of the powers conferred by Section 21 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely:—

? These rules may be called the Indian Post Office (Ninth Amendment) Rules, 1970.

- 3. In the Indian Post Office Rules, 1933, after Rule 52-A, the following rule shall be inserted, namely:—
 - "52-B: (1) Letters intended for transmission by foreign post shall not contain any letter, note or document having the character of current and personal correspondence exchanged between persons other than the sender and the addressee of the article or persons living with them in the capacity of family members or bona fide guests.
 - (2) Letters posted in India which infringe the condition stated in sub-rule (1) shall not be forwarded to the destination but shall be returned to the sender, each such document being treated as an unpaid letter at inland rates.
 - (3) In the case of inward foreign articles which infringe the condition stated in sub-rule (1) double the postage at international rates shall be charged on each individual document contained in the article and the amount will be realised from the addressee before delivery"

[No. 37/4/: -

K. GOPALAKRISHNAN,

Deputy Director-General (Mails).

संचार विभाग

(डाक अर बोर्ड)

नई दिल्ली, 3 सितम्बर 1970

एस॰ मो॰ 3034.—1898 कें (1898 का 6ठा) भारतीय डाक घर श्रधिनियम की धारा 21 द्वारा प्रदत्त गक्तियों का प्रयोग करके केन्द्रीय सरकार ने 1933 की भारतीय डाकघर नियमावली में श्रागे पंशोधन करके निम्नवर्ती नियम बनाए हैं, यथा :—

- 2. इन नियमों को 1970 के भारतीय डाकवर (नवां संशोधन) नियम कहा जाएगा ।
- 3. 1933 की भारतीय डाकघर नियमवाली में नियम 52 क के पश्चात निम्तवर्ती नियम जोड़ दिया जाए यथा :---
- "52 ख (1): -- वस्तु के प्रेषक तथा प्राप्तकर्ता ग्रथवा पारिवारिक सदस्यों के रूप में ग्रथवा सर्भावी ग्रितिथियों के रूप में उनके साथ रहने वाले व्यक्तियों के मध्य विनिमय किये गए पत्न व्यवहार को छोड़ कर ग्रत्य व्यक्तियों के मध्य हुए चालू तथा व्यक्तिगत पत्न व्यवहार संबंधी कोई चिट्ठीयों नोट ग्रथवा दस्तावेज विदेश डाक सेवा से जाने वाली डाक में नहीं भोजे जायेंगे।
- (2) उप नियम (1) में उल्लिखित शर्त को पूरा न करने वाली भारत में पोस्ट की गई डाक गन्तव्य स्थान पर नहीं भेजी जाएगी बल्कि प्रेषक को लौटा दी जाएगी तथा ऐसा हर एक दस्तावेज अन्तर्देशीय दरों पर गैर-प्रदायगी कृत डाक-बस्तु की तरह माना जाएगा।
- (3) उप नियम (1) में उल्लिखित गत को पूरा न करन बाली आवक विदेश डाक वस्तु के मामले में डाक वस्तु के प्रत्येक दस्तावेज के लिये अन्तर्देशीय दरों से दुगुना डाक प्रभार लगाया जाए-गा तथा यह रकम विनरण करने से पहले प्राप्तकर्ता से वसूल की जाएगी।"

[सं० 37/4/70-सी एन]

के॰ गोपाल कृष्णन, उप महानिदेशक (डाक) ।

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 3rd September, 1970

S.O. 3035.—In pursuance of Sub-section 2(a) of Section 36A of the Indian Electricity Act, 1910 (9 of 1910), the Central Government is pleased to nominate Shri K. A. Dave Vice-Chairman, Central Water and Power Commission as Chairman of the Central Electricity Board, vice Shri A. K. Ghose.

[No. EL,II.9(1)/70.] M. RAMANATHAN, Deputy Director (Power).

सिचाई और विद्युत मंत्रालय

नई दिल्ली, 3 सितम्बर, 1970

का आ 3035.—भारतीय बिजली अधिनियम, 1910 (1910 का 9) की धारा 36 क की उपधारा 2 (क) के अनुसरण में, केन्द्रीय सरकार श्री ए० के० घोष, के स्थान पर के० ए० दवे, उनाध्यक्ष, केन्द्रीय जल तथा विद्युत आयोग, को केन्द्रीय बिजली बोर्ड के अध्यक्ष के रूप में नियुक्त करती है।

[सं० बि० दो-9(1)/70]

एम० रामनाथन, उपनिवेशक (विश्वुत) ।

MINISTRY OF HEALTH, FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT

(Department of Health)

ORDER

New Delhi, the 1st September 1970

S.O. 3036.—Whereas by the notification of the Government of India in the late Ministry of Health No. F. 16-5/62-MI, dated the 23rd July, 1962, the Central Government has directed that the Medical qualification, "M.D." granted by the University of Georgetown, Washington, United States of America shall be recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. (Miss) Elleen Niedfield who possesses the said qualification is for the time being attached to the Holy Family Hospital, Mandar, Ranchi District for the purpose of Charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies—

- (i) a period upto the 31st December, 1970, or
- (ii) the period during which Dr. (Miss) Eileen Neidfield is attached to the said Holy Family Hospital, Mandar, Ranchi District whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. F. 19-21/70-MPT.] R. MURTHI, Under Secy.

स्वास्या-परिवार, नियोजन, निर्माण, ग्रांबास एवं नगर विकास मंत्राज्य

(स्वास्थ्य विभाग)

धावेत

नई दिल्ली, 1 सितम्बर 1970.

का मा 3036.--यतः भारत सरकार के भूतपूर्व स्वस्थ्य मंद्रालय की दिनांक 23 जुलाई, 1962 की अधिसुचना संख्या 16-5/62-एम 1 द्वारा केन्द्रीय सरकार ने निदेश दिया कि भारतीय विकित्स परिषद् म्रधिनियम 1956 (1956 का 102) के प्रयोजनों के लिये मंयुक्त राज्य म्रमेरिका के वांणिगटन स्थित जार्जटाउन विष्विद्यालय द्वारा म्रनुदत्त "एम० डी०" नामक चिकित्सा म्रहेता मान्यता प्राप्त चिकित्सा म्रहेता होगी।

श्रीर यत : डा० (कुमारी) एलीन नीडफील्ड को जिनके पास कि उक्त श्रर्हता है फिलहाल जिला रांची, मन्दार स्थित होली हो मिली हास्पिटल सके ।थ धर्मार्थ कार्य के प्रयोजनों के लिये लगाया गया है ;

श्रत: श्रव उक्त अधिनियम की धारा 14 की उप धारा (1) के परन्तुक के खण्ड (ग) का पालन करते हुए केन्द्रीय सरकार एतद्द्वारा

- (i) 31 दिसम्बर, 1970 तक की श्रवधि को श्रवधा
- (ii) डा॰ (कुमारी) एलीन नीडफील्ड के जिला रांची , मन्दार स्थित होली फैंफिली वहास्पिटल से मंत्रंद रहने की श्रवधि को.

जो भी कम हो, वह श्रवधि विनिर्दिग्ट करती है जिसमें कि पूर्वोक्त डाक्टर को मैडिलकल प्रैक्टिस विक्तित होगी ।

> [सं० फा०19-21/70-एम० पी० टी०.] स्रार० मूर्ति अवर सचिव ।

MINISTRY OF PETROLEUM & CHEMICALS AND MINES & METALS (Department of Petroleum)

New Delhi, the 8th July 1970

S.O. 3037.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from drill sites G.G.S. III to Flare Point in the Kalol Oilfield, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines;

And whereas it appears necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, near Central Workshop, Baroda-4, in the Office of the Gujarat Pipelines (Oil and Natural Gas Commission), Baroda, and every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE For laying pipeline from GGS III to flare point Dist: Mehsans

Otate . Suprat				
Village	Survey No.	Hectare	Arc	P. Are
AMBAVPURA	I 2 7	0	8	90
93	126	0	4	49
•	124	O	IO	85
vadavs'wami	267	0	I	25

State - Guiarat

Teluke : Kada

पैदोलियम तथा रसायन भ्रोर जात तथा भात मंत्रालय

(पेंद्रोलियम विभाग)

नई दिल्ली, 8 जुलाई, 1970

का॰ **मा**॰ 3037:---यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह भ्रावश्यक है कि गुजरात राज्य में कलोल तेल क्षेत्र में व्यक्षन स्थल कृश्रा संख्या जी०जी० एस० III से फ्लेर 'बइन्ट तक पैट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस ग्रायोग द्वारा बिछाई जानी चाहिए, भौर यत रेसी लाइनों को बिछाने के प्रयोजन के लिए एसद्पाबद्ध धनभूची में वर्णित भूमि में उपयोग का अधिकार अजित करन। श्रावश्यक है :

श्रत', श्रव, रैंट्रोलियम पाइपलाइन (भूमि में उपयोग के श्रधिकार का धर्जन) 1962 (1962 का 50) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रागेग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का श्रधिकार श्रजित करने का श्रपना झाशय एतदृद्वारा घोषित किया है।

बगतें कि उक्त भूमि में हिनबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए ग्राक्षेप सक्षम प्राधिकारी, गुजरात पाइपलाइन (तेल तथा प्राकृतिक गस भागोग) के कार्यालय, के पश्चिमी क्षेत्र, श्रीड नं 27, मकरपूरा रोड, सैन्ट्रल वर्कशाप के पास बरौदा-4 को इस म्रधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा। श्रीर ऐसा श्राक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिश: हो या किसी विधि व्यवसायी की माफर्त ।

ग्रनसूची जी जी एम III से फ्लेयर प्वाइंट तक पाइपलाइन बिछाने के लिए

राज्य गुजरात	। जला	ाजला - महसाना		तालुका ः काडा		
गाव	सर्वेक्षण नंख्या	है क्टर		पी श्रा र		
ा म्बावपुरा	127	0	8	90		
11	126	0	4	49		
"	124	0	10	85		
वाडस्वामी	267	0	1	25		

सिं० 20/3/67-श्राई भ्रो सी/लेबर एण्ड लेजिस]

New Delhi, the 13th July 1970

S.O. 3038.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) SO No 428 dated January 27, 1970 and Erratum dated March, 28, 1970 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Petroleum Pipelines Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines,

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

Taluka: Kalol

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government direct that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances

Schedule

For laying pipeline from well No. 128 (KJQ) to G.G.S. IV

Dist: Mehsana

State: Gujarat

Village	S.No.	Hectare	Are	[P. Are
DHAMASAN	700/I	0	8	72
,,	701	0	II	20
33	702	0	13	61
) 1	703/I V.P. Cart Track	0	Ō	91
,,		0	0	78
27	825	0	14	ΤŢ
*3	826	0	11	12
>>	828/2	0	2	90
32	827	0	3	25
,,	8 28/I	0	11	70
,,	887	0	9	ÓO
"	884	O	ģ	46
227	890/1	0	I	52 78
93	884	0	2	78
, c	89 5 /2	0	2 8	84
37)	883	0	12	84 48

[No. 30/3/67-IOC/Lab. & Legis.]

नई दिल्ली, 13 जुलाई 1970

का० आ० 3038.— यतः पैट्रोलियम, पाइप लाइन (भूमि उपयोग के आधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के आधीन भारत सरकार के पैट्रोलियम तथा रमायन और खान तथा धातु मंद्रालय (पट्रोलियम विभाग) की अधि-सूचना का० आ० सं० 428 तारीख 27 जनवरी, 1970 तथा शुद्धि पन्न दिनांक 28-3-70 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अजित करने का अपना आश्रय घोषित कर दिया है।

श्रीर यतः सक्षम प्राधिकारी के उक्त श्रिधिनियम की धारा 6 की उपधारा (1) के श्रिधीन सरकार को रिपोर्ट दे दी है।

श्रौर, श्रागे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस श्रधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का श्रधिकार श्रीजत करने का विनिश्चय किया है ।

श्रव, यतः उक्त श्रधिनियम की धारा 6 की उपधारा (I) द्वारा प्रदत्त शिवत का प्रयोग करते हुए केन्द्रीय सरकार एतदद्वारा घोषित करती है कि इस श्रधिसूचना से संकान श्रनसूची में

विनिधिष्ट उस्त भूमियों में उपयोग का श्रधिकार पाइप लाइन विछाने के प्रयोजन के लिए एनदद्वारा श्रिजित किया जाता है श्रीर उस धारा की उपधारा (4) द्वारा अदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का श्रधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल श्रीर प्राकृतिक गैस श्रायोग में, सभी विलंगमों से मक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

श्रनुसूची कुद्यां संख्या 128 (के जे क्यू) से जी जी एस IV तक पाइपलाइन बिछाना

राज्य : गुजरात	जिला ः मेहसा	ाना	न लुका	: क्लोल,
	- 			
गांव	मर्वेश्वण मंद्रम	ਵੈ ਕਟ ਵ	50 117″	धी ऋपा≠

र्गाव	सर्वेक्षण संख्या	हैक्टर	श्चार	पी ग्र ार
घमासन	. 700/1	0	8	72
	701	0	11	20
	702	0	13	61
	703/1	0	0	91
	वी० पी० कार्ट ट्रक	0	0	78
	825	0	14	11
	826	0	11	12
	828/2	0	2	90
	827	0	3	25
	828/1	0	11	70
	887	0	9	80
	884	0	9	46
	890/1	0	1	52
	884	0	2	78
	895/2	0	8	84
	883	9	12	48

[सं० 30/3/67-ग्राई० ग्रो० सी/लेबर एण्ड लेजिस]

S.O. 3039.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from the Nawagam and Kalol Oil fields, in Gujarat State, a Pipeline named Kalol Koyali via Nawagam should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines;

And whereas, it appears that it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act. 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Taluka: Kalol

Provided, that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, near Central Workshop, Baroda-4, in the Office of the Gujarat Pipelines (Oil and Natural Gas Commission), Baroda;

And, further, provided that every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Laying line Kalol Koyli via Nawagam Crude Pipeline

Dist: Mehsana

State: Gujarat

				
V 1lla g e	Survey No.	Hectare	Age	P. Are
DHANAJ	498	0	0	17

[No. 20(3)/67-IOC/Lab & Legis.]

का बार 3039.--यत: केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह <mark>श्रावश्यक है कि गुजरात राज्य में नवागांव श्रौर</mark> कलोल तेल क्षेत्रों में पैट्रोलियम के परिवहन के लिए कलोल कोयाली नाम से एक पाइपलाइन नवागांव मार्ग द्वारा पाइपलाइन तेल तथा प्राकृतिक गैस भायोग द्वारा बिछाई जानी चाहिए; श्रीर यतः ऐसी लाइनों को बिछाने के प्रयोजन के लिए ए दिपाबद श्रनुसूची में वर्णित भूमि में उत्योग का श्रधिकार श्रजित करना श्रावस्थक है ,

श्रनः, श्रम, रैट्रोलियम पाइपलाइन (भूमि मे उपयोग के श्रधिकार का श्रजीन) श्रधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का प्रपना आशय एतद द्वारा घोषिन किया है ।

बशर्ते कि भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी गुजरात पाइपलाइन्ज (तेल तथा प्राकृतिक गैस श्रायोग) के कार्यालय बरौदा के पश्चिमी क्षेत्र ग्रैड तं० 27 मकरपूरा रोड सैन्ट्रल वर्कशाप के पास बरौदा 4 की इस श्रधिसूचना की तारीख मे 21 दिनों के भीतर कर सकेगा। और भ्रागे, बगर्ते कि ऐसा भ्राक्षेप करने वाला हर व्यक्ति यिनिर्दिष्ट : यह भी कथम करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिशः हो या किसी विधि व्यवसायी की माफँन ।

ग्रनुसूची

नवांगांव कच्चे तेल की पाइपलाइन के माग द्वारा कलोस कोयाली लाइन बिछाना

राज्य : गुअरात		जिलाः मेहसाना	ī	तालुकाः कलोल
माव	सर्वेक्षण संख्या	हैक्टर	भ्रार	पी ग्रार
धनाज	498	0	0	17

[मं॰ 20(3)/67-माई म्रो सी/**श्वे**बर एण्ड लेजिस]

S.O. 3040.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from the Nawagam and Kayali Oil fields, in Gujarat State, a Pipeline named Kalol-Koyali Via Nawagam should be laid by the Oil and Natural Gas Commission:

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, near Central Workshop, Baroda-4, in the Office of the Gujarat Pipelines (Oil and Natural Gas Commission), Baroda; and, every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE Laying line Kalol Koyali via Nawagam Crude Pipeline

State: Gujarat	Dist: Ahm	Taluka :	Dascroi	
Village	Survey No.	Hectare	Are	P. Are
OGHANAJ	497	0	0	60
	173	o	0	50
				

[No. 20(3)/67-IOC/Lab. & Legis.]

का॰ आ॰ 3040.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह प्रावश्यक है कि गुजरात राज्य में नवांगांव और कोयाली तेल क्षेत्र में पैट्रोलियम के परिवहन के लिए कलोल कोयाली नाम से एक पापलाइन नवांगांव मार्ग द्वारा पाइपलाइन तेल तथा प्राकृतिक गैस धायोग द्वार। विछाई जानी चाहिए; श्रीर यतः एसी लाइनों को विछाने के प्रयोजन के लिए एतदु-पावद ब्रनुसूची में विणत भूमि में उपयोग का श्रिष्ठकार श्रीजत करना श्रावश्यक है;

श्रतः, श्रवः, पैद्रोलियम पाइपलाइन (भूमि में उपयोग के श्रधिकार का श्रजँम) श्रधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का श्रधिकार श्राजित करने का श्रपना श्राणय एतद द्वारा घोषित किया है ।

बशतें कि उक्त भूमि में हितबढ़ कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी गुजरात पाइपलाइन (तेल तथा प्राकृतिक गैस आयोग) के कार्यालय बरौदा के पिश्चमी क्षेत्र शैंड नं० 27, मकरपुरा रोड, सैन्ट्रल वर्कशाप के पास बरौदा—4 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा । और एसा आक्षप करने वाला हर व्यक्ति विनिद्धिट: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिश: हो या किसी वि धि य्यवसाधी की माफैत।

तालका: दसकरोई

ध्र4ुस्ची

मत्रांगांव कच्चे तेल की पाइप लाइन के मार्ग द्वारा कलोल कोयाली लाइन बिछान।

जिलाः भ्रहमदाबाद

राज्यः गजरात

30					
गांव	सर्वेक्षण संख्या	हैक्टर	भार	पी ग्रार	
	497	0	0	60	_
ग्रोघांज	173	0	0	50	

[सं० 20(3)/67-आई ग्रोसी, लेंबर एण्ड लेंजिस]

S.O. 3041.- Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the Nawagam and Kalol Oil fields, in Gujarat State, a Pipeline named Kalol-Koyali Via Nawagam should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpur Road, near Central Workshop, Baroda-4, in the office of the Gujarat Pipelines (Oil and Natural Gas Commission), Baroda;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Laying Line Kalol Koyali Via Nawagam Crude Pipeline

State: Gujarat	Dist: Ahmedabad			Taluka: City		
Village	Survey No.	Hectare	Are	P.Arc		
CHANDLODIA	156	0	0	19		

[No. 20(3)/67-IOC/Lab. & Legis.]

का॰ आ॰ 3041.—यतः केश्वीय सरकार की यह प्रतीत होता है कि लोकहित में यह ग्रावश्यक है कि गुजरात राज्य में नवांगाम भीर कलोल तेल क्षेत्रों में पैट्रोलियम के परिवहन के लिए कलोल कोयाली नाम से एक पाइपलाइन नवांगाम मार्ग द्वारा पाइपलाइन तेल तथा प्राकृतिक गैस ग्रायोग द्वारा बिछाई जानी चाहिए: भीर यतः ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाबद अनुसूची में विश्वात भूमि में उपयोग का श्राधकार अजित करना ग्रावश्यक है;

श्रवः, श्रवः, पैट्रोलियम पाइपलाइन (भूमि में उपयोग के श्रविकार का झर्जन) श्रविनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का श्रविकार शिंजन करने का श्रपना श्राशय एतद् द्वारा घोषित किया है।

बशारी कि उसन भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नोचे पाइपलाइन बिछाने के लिए प्राक्षेप सक्षम प्राधिकारी गुजरात पाइपलाइन (तेल तथा प्राकृतिक गैंस प्राधोग) के कार्यालय वरीदा के पिण्चमी क्षेत्र, शेंड न'० 27 मकरपुरा रोड़ सैंग्ट्रेल वर्कशाप के पास बरौदा-4 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर भक्षेगा। श्रीर ऐसा ग्राक्षेप करने वाला हर व्यक्ति विनिदिप्ट: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिण: हो या विसी विधि ध्यवसायी की मार्फत।

सनुसूची

नवांगाम कच्चे तेल की पाइपलाइन के मार्ग द्वारा कलोल कोयाली लाइन बिछाना

राज्य ; गुजरात	जिला :	ग्रहमदाबाद	तालुका :	सिटी
गांब	सर्वेक्षण संख्या	हैंबंटर	भ्रार	दी भ्रार
चब्रदलोडिया	156	0	0	19
	 [संख्या 2	o(3)/67 – म्राई	भ्रो सी/लेंबर	एण्ड लेजिस ्

S.O. 3042.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from the drill sites Well No. 125 (KIU) to GGS IV in the Kalol Oil field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines;

And whereas it appears necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competant Authority at Western Region, Shed No. 27, Makarpur Road, near Central Workshop, Baroda-4, in the Office of the Gujarat Pipelines (Oil and Natural Gas Commission), Baroda;

And, further, provided that every person making such an objection shall also state specifically vehether he wishes to be heard in person or by a legal practitioner.

SCHEDULE
Laying Pipeline from D.S. 125 (KIU) to GGS IV

State: Gujarat	Dist: Mehs	Taluka: Kalol			
Village	S.No.	Hectare	Are	P.Are.	
DHAMASANA	1252 Part	0	3		
22	1252 Part	ø	4	55	
	1252 Part	0	2	55 84	
55	1253	O	9	91	
"	1250	9	Ō	50	
) †	1251	o	10	50 80 66	
33	V P Cart	o	0	66	
**	1031	ō	τ	88	
3 <i>7</i>	1031				

	*^
- 4	

Village	S. No	Hectare	Are	P. Are
DHAMASANA	1029	0	2	48
24	1028	0	3	i7
**	1030	0	ō	75
29	1019	0	12	20
,,	1018	0	10	00
53	V.P. Cart	0	2	
23	856 Part	0	10	93 83 83 93 37 93
2)	856 Part	0	I	83
39	856 Part	0	2	93
2)	855	0	5	37
99	851	0	9	93
55	850	0	19	77
,,	764	0	5	19 72 68
23	839	0	8	72
>>	838	0	2	68
>>	876	0	О	50 82
,,	V.P. Cart	0	3	[82
>>	837	0	0	50
23	877	0	8	50 54 15 66
23	881 Part	0	4	15
22	881 Part	0	4 3	66

[No. 20(3)/67-IOC/Lab. & Legis.]

तालका : कलोल

का श्रा 3042:—यत. केन्द्रीय भरकार की यह प्रतीत होता है कि लोकहित में यह श्रावण्यक हे कि गुजरात राज्य में कलोल तेल क्षेत्र में व्याचन स्थल कुत्रां मख्या 125 (केग्राई य) से जी जी एस iv तक पैट्रोलियम के परिवहन के लिए पाश्पलाइन तेल तथा प्राकृतिक गैम प्रायोग द्वारा बिछाई जानी चाहिए; श्रोर यत: ऐसी लाइनों को बिछाने के प्रयोजन के लिए एनद्पाबद्ध ग्रनुसूची में विणित भ्मि में उपयोग का ग्राधिकार श्राजित करना श्रावष्टक है;

श्रातः श्रात्र पैद्रोलियम पाइपलाइन (भूमि मे उपयोग के अधिकार का श्राज्ञेन) श्रिधिनयम 10-2 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदन्त गक्तियों का प्रकोग करते हुए केन्द्रीय नरकार ने उसमे उपयोग का शिधकार श्राज्ञित करने का अपना श्राणय एतद्द्वारा घोषित किया है।

बशर्ती कि उक्त भूमि में हितबढ़ कोई व्यक्ति उस भूमि के नीचे पाइपलाइन विछाने के लिए आक्षेप सक्षम प्राधिकारी गुजरात पाइपलाइन (तेल तथा प्राक्षितिक गैस आयोग) के कार्यालय बगैदा के पश्चिमी क्षेत्र केड नं 27 महरपुरा रोड, मैसूल वर्कणाप के पास बरौदा—4 को इस अधिनसना की तारीख से 21 दिनों के भी र कर सकेता। और आगे, बणर्ते कि ऐसा आक्षेप करने वाला हर व्यक्ति विनिद्धिट : यह भी कथन करेगा कि क्या यह यह चाहता है कि उसकी सुनवाई व्यक्तिशा है शा विधि यद प्रायो ही सार्थन।

भ्र गुसू बी

डी एस 125 (के प्राईय) से जी जी एस 4 तक पाइ-लाइन विछाना

ग जरान

राज्य

गौव			सर्वेजण संख्या	हैं⊤ र	भ्रार	पी श्रार
घमासन ५	•	•	1252 भग	0	3	05
			1252 भाग	0	4	5 5

जिला : मेहगाना

गाव	सर्वेक्षग	हैं∘टर	ग्रार	भी भ्रार
	1252 भाग ∛	(2	84
	1253	n	9	91
	1250	0	(i	50
	1251	0	10	8.0
	वीपी कार्ट	0	0	66
	1031	0	1	88
	1029	0	2	48
	1028	0	3	17
	1030	0	0	75
	1019	0	12	20
	1018	0	10	0 0
	की पी कार्ट	0	2	03
	856 भाग	0	10	83
	856 भाग	0	1	83
	856 भाग	0	2	93
	855	0	5	37
	851	0	9	93
	850	0	19	77
	764	0	5	19
	839	0	8	72
	838	0	2	68
	876	0	0	50
	वी पी कार्ट	0	3	82
	837	0	0	50
	877	0	8	54
	881 भाग	0	4	15
	881 भाग]	0	3	66

[सख्या 20(3)/67-आई श्रो सी/लेयर एण्ड लेजिस]

SO. 3043—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) SO No 429 dated January, 1, 1970 and Erratum dated April 25, 1970 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of 'aying pipelines,'

And whereas the competent authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Government,

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification,

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act. the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying pipelines and in exercise of the powers conferred by sub-section (4) of that Section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

For Laying Pipeline from Well No. K65 to G.G.S. IV

State: Gujarat

Dist : Mehsan 1

Taluka · Kalol

Village	S.No.	Hectare	Are	P.Are.	
ISAND	388/1	0	3	51	
33	388/2	0	4	94	
55	389	0	10	40	
,,	V.P. Cart Track	0	0	74	
22	401	0	3	51	
55	V.P. Cart Track	0	Ţ	39	
>>	218	0	I	50	
>>	216/4	0	ΙΙ	36 68	
51	213	0	11	68	
DHAMAŠAN	212	0	6	65	
DHAMASAN	1009	0	10	57	
,,	1010	0	10	27	
93	1005/2	0	7 1	02	
23	999	0		52	
33	989/2	0	10 2	79 01	
**	\$8\$/I	0		50	
53	990/I 1001	0	00 12	26	
>	1001	0	11	₹ 9€	
13		0	ĭ	76	
••	992/2	0		91	
3)	999 998	0	9 13	52	
>>	V.P. Cart Track	0	2	28	
21	926	0	7	78	
39	925	0	,	47	
"	923 927/2	0	3	35	
,,	92//2 924	0	ي -	94	
>>	924 923	o	2	66	
22	923 906/I	0	3 5 9 6 6	50	
>>	906/2	Ö	š	2.4	
>>	907	ŏ	12	24 68	
33	V.P. Cart Track	Ö	ō	55	
>>	901	ŏ	ě	rī	
,,	900	Ö	11	83	
29	899	ŏ	2	60	
***	897/1/2	Ö	0	52	
,,	898	0	8	91	
))))	894	Ö	5	20	

[No. 20/30/67-IOC/Lab. & Legis.]

का॰ आ॰ 3043:—यतः पैट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) ग्रिधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के रैट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय (पैट्रोलियम विभाग) की अधि- सूचना का॰ आ॰ सं॰ 429 तारीख 1-1-1970 तथा शुद्धि पत्न 25 अप्रैल 1970 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिदिष्ट भूमिओं के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अजित करने का अपना आशय घोषित कर दिया है।

श्रीर यतः सक्षम प्राधिकारी ने उक्त ग्रिधिनियम की धारा 6 की उग्धारा (1) के ग्रिधीन सरकार को रिपोर्ट दे दी है।

श्रीर, श्रामे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पण्चात् इस श्रधि-सूचना से संलग्न ग्रनुसूची में विनिर्दिष्ट भृभियों में उपयोग का ग्रधिकार श्रर्जित करने का विनिश्चय किया है।

श्रव, श्रव. उक्त श्रधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त गक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्हारा घोषित करनी है कि इस ग्रधिसूचना के संलग्न श्रनुसूचों में विनिर्दिष्ट उक्त भूमियों में उपयोग का श्रधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एनद्द्रारा श्राजित किया जाना है श्रीर उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का श्रधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस ग्रायोग में, सभी विलंगमों से मुक्त रूप में, इस घोषणा के प्रकाणन की इस तारीख़ को निहित होगा।

भ्रमुसूची

भ्रमुस्खि के 15 से जी जीएन 4 तक पाइपलाइन विछाना

राज्य गुजरात ————	जिलाः मेह्माना	तातुका. कलोल		
गांव	सर्वेक्षण संख्या	है क्ट 'र	भ्रार	पी स्रार
 इसन्द .	388/1	0	3	51
	388/2	0	4	94
	389	0	10	40
	वी पी कोर्ट ट्रैक	0	0	74
	401	0	3	51
	वी पी कार्ट ट्रैक	0	1	39
	218	0	1	50
	216/4	0	11	3 (1
	213	0	11	68
	212	0	6	6.5
घमामन	1009	0	10	5 7
	1010	0	10	27
	1005/2	0	7	02
	999	0	1	52
	989/2	0	10	79
	989/1	0	2	01
	990/1	0	0.0	50
	1001	0	12	26

ग∣व	सर्वेक्षण संयः	हैं 'टर	ग्रार	पी ग्रार
	1000	0	11	96
	992/2	0	1	76
	999	0	9	91
	998	0	13	52
	वी पी कार्ट ट्रैक	0	2	28
	926	O	7	78
	925	U	3	47
	927/2	0	3	35
	924	0	5	94
	923	υ	9	66
	$906_{i}^{'}1$	0	6	50
	$906^{\prime}2$	U	6	24
	907	0	12	68
	वी पी कार्ट दैक	0	0	5 5
	901/1	0	6	11
	900	0	11	83
	899	0	2	60
	897/1/2	U	O	52
	898	O	8	91
	894	O	5	20

[मं \circ 20/3/67-माई म्रो सी/लेबर एण्ड लेजिस]

New Delhi, the 22nd August 1970

S.O. 3044.—Whereas by a notification of the Government of India in the Minstry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) S.O. No. 1134 dated March 9, 1970 under sub-section (1) of Section 3 of the Petroleum Pipelmes (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines:

And, further, in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

Laying Pipeline from BDE 29 to G.G.S. II

State: Gujarat

District : Kaira

Taluka; Mater

,	 					
V_1 llage			Survey No.	Hectare	Are	P. Are
Kathawada	 •		252/2/1	0	2	28
			252 /I	o	2	08

[No. 29(7)/68-IOC/Lab.&Legis.]

नई दिल्ली, 22 अगस्त 1970

का० आ०० 3044.—यतः पैट्रोलियम, पाइपलाइन (भूमि के उपयोग के श्रिष्ठिकार का श्रर्जन) श्रिष्ठित्वियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के श्रष्ठीन भारत सरकार के पैट्रोलियम तथा रसायन श्रौर खान तथा धातु मंद्रालय (पैट्रोलियम विभाग) की श्रिष्ठित्वमा का० श्रा० सं० 1134 तारीख 9 मार्च, 1970 द्वारा केन्द्रीय सरकार ने उस श्रष्ठिसूचना से संलग्न श्रृत्युची में विनिर्दिष्ट भूमियो के उत्योग के श्रिष्ठिकार को पाइपलाइनों को विछाने के प्रयोजन के लिए श्राजित करने का श्रपना श्रामय घोषित कर दिया है।

श्रीर यतः सक्षम प्राधिकारी ने उक्त श्रिधिनियम की धारा 6 की उपधारा (1) के श्रिधीन सरकार को रिपोर्ट दे दी है।

श्रीर श्रागे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पण्चात इस श्रिधसूचना से संलग्न श्रनुसूची में विनिर्दिष्ट भूमियों में उपयोग का श्रिधकार श्रिजित करने का विनिश्चय किया है ।

श्रव, अतः उक्त श्रधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त णिक्तयों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस श्रधिसूचना से संलग्न अनुसूची में विनिद्धित उक्त भूमियों में उपयोग का श्रधिकार पाइप लाइन विछाने के प्रयोजन के लिए एतद्वारा श्राजित किया जाता है श्रीर श्रागे, उस धारा की उपधारा (4) द्वारा प्रदत्त शिक्तयों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का श्रधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल श्रीर प्राकृतिक गैस श्रायोग में, सभी विलंगमों से मुक्त रूप में इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

ग्रनुसूची बी० डी० ई० मे जी० जी० एस II तक पाइपलाइन बिछाना

राज्य : गुजरात	जिला:	कर	तालुग	क िमातर
गांव	सर्वेक्षम् संख्या	हैस्टर	ग्रार	पी श्रार
क्रुवाडा	252/2/1	0	2	28
	252/1	0	2	08

Taluka: Matar

S.O. 3045.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) S.O. No. 1133 dated March 9, 1970 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further, wherees, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

District : Kaira

SCHEDULE

Laying Pipeline from BAF-14 to G.G S. II

State: Gujarat

, -		- •			
Village		Survey No.	Hectare	Are	P. Are
Kathawada		266/2	0	3	48
		350	o	I	50
		351/2	0	4	80
		351/3	o	C	21
		353/I	o	1	56
		353/2	0	r	20
		356/3	0	1	92
		354/1	0	4	20
		354/2	0	4	56
		355	0	I	68
		142/2	٥	0	60
		138/2	O	o	60

[No. 29(7)/68-IOC/Lab.&Legis.]

का० 3045.—यतः पैट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैट्रोलियम तथा रमायन और खान तथा धातु मंत्रालय (पैट्रोलियम विभाग) की अधिन्यूचना का० आ० सं० 1133 तारीख 9 मार्च, 1970 द्वारा केन्द्रीय सरकार ने उस अधिसुचना

4108

से सत्रान् प्रतुसूची म विनिर्दिष्ट भूसियों के उपयोग के प्रधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए ग्राजित करने का ग्रपना ग्रामय घोषित कर दिया है।

श्रीर यतः सक्षम प्राधिकारी ने उत्त श्रधिनियम को धारा 6 की उपधारा (1) के श्रधीन सरकार को रिपोर्ट दे दी है।

र्श्वार धागे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विवार करने के पश्चात इस श्रक्षिसूचना में संलग्न श्रनुसूची में विनिर्दिष्ट भूमियों में उपयोग का प्रधिकार श्रीजित करने का विनिश्चय किया है।

श्रत्र, श्रतः उक्त श्रधिनियम की धारा 6 की उपधारा (1) द्वारा श्रदत्त गिक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करतो है कि इस श्रधिसूचना से संलग्न श्रनुसूची में विनिर्दिष्ट उक्त भृमियों में उपयोग का श्रधिकार पाइप तिष्ठन विछाने के प्रयोजन के लिए एनद्द्वारा श्रजित किया जाता है, श्रौर श्रागे उस धारा की उपधारा (4) द्वारा प्रदत्त गिक्तयों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उत्तर भृमियों में उपयोग का श्रधिकार केन्द्रीय सरकार में विदित्त होने के बजाय तेल श्रौर श्राकृतिक गैम श्रायोग में, सभी विलंगमों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

अनुसूची बी० ए० एफ०-14 में जी० जी० एस II तक पाइप लाइन विछाना

राज्य : गुजरात	जिला : कै	र	तालुका : मानर		
गांव	सर्वेक्षण मध्या	है क्टर	श्रार	र्षा यार	
कठवाड़ा	. 266/2	0	3	48	
	350	0	1	50	
	351/2	0	4	80	
	351/3	0	0	21	
	353/1	0	1	56	
	353/2	0	1	20	
	356/3	U	1	92	
	354/1	0	4	20	
	354/2	0	4	56	
	355	0	1	68	
	142/2	0	0	60	
	138/2	0	0	60	

[म॰ 29(7)/68-श्राई०ग्रो॰सी॰/लेबर ए ड लेंजिस]

S.O. 3046.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) S.O. No. 3373 dated August 5, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbiatives.

Schedule.

State · Guiarat

Laying P pel ne from G.G.S. No. 2 to Junction I oint near Turning point - 1/2.

Dist : Kaire

Grate . Gaja.					2777 1 244	110	I dicada . IVIS(di			
Village					Surv-y No.	Hectare:	Are	P. Arc		
Kathawada				•	307/1	o		50		
					261	0	c	72		

[No. 29(7)/68-IOC/Lab.&Legis.]

Taluka · Marar

का० ग्रा० 3046.—याः पैरोलियम, पार्प लाइन्(भूमि के उपयोग के ग्रिधिकार का ग्राजंद) ग्रिधानाम, 1962 का 50)) को धारा 3 की उपधारा (1) के ग्रिधीन गरान ना हार के पैरोलियम तथा रमायन ग्रीर खान तथा धानु मंत्रालय (पैरोलियम विभाग) की श्रिधिसूचना का० ग्रा० म० 3373 तारीख 5 ग्रामत, 1969 द्वारा केन्द्रीय मरकार ने उस श्रिधिसूचना से नलग्न ग्रामुसूची में जिनिष्टि भूमियों के उपभोग के ग्रिधिकार को पाइप लाइनों को बिछाने के प्रयतनों के लिए ग्राजित करने का श्रापना ग्राणय घोषिन कर दिया है।

स्रीर यत: सक्षम प्राधिकारी ने उक्त स्रिधितियम की धारा 6 की उपधारा (1) के स्रिधीन सरकार की रिपोर्ट दें दी है।

श्रीर ग्रागे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस ग्रधिसूचना ने सलग्न ग्रनुसूची में विनिर्दिष्ट भूमियों में उपयोग का ग्रधिकार श्रीजित करने का विनिष्चय किया है ।

श्रव, प्रतः उक्त श्रधिनियम, की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस श्रधिसूचना में संलग्न श्रनुसूची में विनिद्धित उक्त भूमियों में उपयोग का श्रधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा श्रजित किया जाता है। श्रीर श्रागे, उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार नेदेश देती है कि उक्त भूमियों में उपयोग का श्रधिकार केन्द्रीय सरकार में बिहित होने के बजाय तेल श्रीर प्राकृतिक गैस श्रायोग में, सभी वित्रंगमों से मुक्त रूप में, इस धोषणा के प्रकाशन की इस तारीख को निहित होगा।

जी० जी	० एस नम्बर	2	सटरनिन पाइनट	क	2 के	पास	जंक्शनपाइनट	तक	पाइपलाइन	बिछाना
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राज्य:	गुजरात	जिलाः	कैर	तालुका:	मातर
–गांव		सर्वेक्षण संख्या	हैंक्टर	म्रार	पी म्रार
कठवाडा .		. 307/1 _. 261	0	3 0	50 72

[सं० 29 (7)/68-आई भ्रो सी/लेबर एण्ड लजिस.]

S.O. 3047.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) S.O. No. 1136 dated March 16, 1970 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE Laying the Pipeline from BS-23 to BC-15 to G.G.S. II

District: Karra State: Gujarat Taluka Matar Survey No. Village Hectare A_{re} P. Arc Kathawada 65 14 40 V. P. Road r 20 66 56 128 19 56

[No. 29(7)/68-IOC/Lab.&Legis]

का॰ आ॰ 3047—यतः पैट्रोलियम, पाइप लाइन (भूमि के उपयोग के श्रधिकार का श्रर्जन) श्रिधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के श्रधीन भारत सरकार के पैट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय (पैट्रोलियम विभाग) की श्रिधमूचना

का० या० स० 1136 नारीख 16 मार्च, 1970 हारा केन्द्रीय सरकार ने उस अधिमूचना, से सलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के श्रिधिकार को पाइप लाइनो को बिछाने के प्रयोजन के लिए श्रुजिम करने का श्रुपना श्राणय घोषित कर दिया है ।

श्रीर यतः सक्षम प्राधिकारी ने उक्त श्रिधिनियम की धारा 6 की उपधारा (1) के श्रिधीन सरकार को रिपोर्ट दे दी है।

ग्रीर ग्रागे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस श्रधिसूचना से संलग्न श्रनुसूची में विनिर्दिष्ट भूमियों में उपयोग का श्रधिकार ग्राजित करन का विनिश्चय किया है ।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिश्य उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एनद्द्वारा अजित किया जाता है; और आगे उस धारा की उपधारा (4) द्वारा प्रदत शिक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैम आयोग में, सभी विलंगमों में मुक्त रूप में, इस घोषणा के प्रकाणन की इस नारीख की निहित होगा।

भनुस्ची त्री० एस०--25 में बी० सी०--15 में जी० जी० एस० ॥ तक पाइपल।इन बिछाना

।जलाः	ाजलाः कर तालुका		मातर
सर्वेक्षण सख्या	हैंक्टर	म्रार	पी श्रार
65	0	14	40
वी पी रोड	0	1	20
66	0	2	56
128	0	19	56
	सर्वेक्षग सख्य। 65 वी पी रोड 66	सर्वेक्षग संख्या हैक्टर 65 0 वी पी रोड 0 66 0	सर्वेक्षग सख्या हैक्टर ग्रार 65 0 14 वी पी रोड 0 1 66 0 2

[सं॰ 29(7)/68-ग्राई ग्रो सी/लंबर एण्ड लेजिस]

S.O. 3048.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) S.O. No. 1132 dated March 9, 1970 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (1) of section θ of the said Act, submitted report to the Government;

And, further, whereas, the Contral Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

Schedule Laying Pireline from 39 BQ to G.G.S. II

State . Gujart					District:	Talu∤a : Matar			
Village				 	Survey No.	Hectare	Are	P. Are	
Kathawaia	Kathawaia		•		157/1	0	2	52	

[No. 29(7)/68-IOC/Lab.&Legis]

का॰ आ॰ 3048.—यतः पैट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का ग्रर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैट्रोलियम तथा रसायन और खान तथा धानु मंज्ञालय (पैट्रोलियम विभाग) की अधिसूचा का॰ आ॰ स॰ 1132 तारीख 9 मार्च, 1970 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिदिष्ट भूमिओं के उपयोग के अधिकार को पाइए लाइनों को बिछाने के प्रयोजन के लिए अजिन करने का अपना आणय धोषित कर दिया है।

श्रीर यत: सक्षम प्राधिकारी ने उक्त ग्रधिनियम की धारा 6 की उपधारा (1) के श्रधीन सरकार की रिपोर्ट दें दी है।

ग्रांग ग्रामे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस ग्राधसूचना से संलग्न ग्रानुसूची में विनिर्दिष्ट भूमियों में उपयोग का ग्राधकर श्राजित करने का विनिष्चय किया है ।

श्रव, यतः उक्त श्रधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एनद्वारा घोषित करती है कि इस ग्रधिसूचना से संलग्न श्रनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का श्रधिकार पाइप लाइन विछाने के प्रयोजन के लिए एनद्वारा श्रिजत किया जाता है; श्रागे उस धारा की उपधारा (4) द्वारा प्रदत शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का श्रिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैम श्रायोग में, सभी विलंगमों में मुक्त रूप में, इस घोषणा के प्रकृत्यन की इस तारीख को निहित होगा।

अनुसूबी 39 बी० क्यू० में जी० जी० एस० II तक पाइपलाइन बिछाना

राज्य	ज्य गुजरात 		जिला 	क र ि	तालुका	म)तर		
गाव				सर्वेक्षण संख्या	हैक्टर	श्रार	—— पीम्रार	
कठवाडा .		•		157, 1	0	2	52	

S.O. 3049.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) 5.O. No. 3368 dated August 5, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelmes (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Company actual and the latest the section of Petroleum Pipelmes (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines:

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

Schedule Laying Collector Pipeline from G.G.S. I to C.T.F.

State : G ij	arat	Distt : Kaira		ı	Taluka : Matar				
VIIIr					Survey No.	Hectare	Are	P. Are	
Nawagam			•		162/A/4 154	0 0	0	61	
					970/2 987/1	000	11 1	57 17 15	
						_			

[No. 29(7)/68-IOC/Lab.&Legis.]

ना० आर 3049 --- यतः पैट्रोलियम, पाइप लाइन (भूमि के उपयोग के श्रधिकार का श्रर्जन) ग्रिधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के ग्रिधीन भारत सरकार के रैदोलियम तथा रसायन श्रौर खान तथा धात् मंत्रालय (पैट्रोलियम विभाग) की ग्रधिसूचना का० आ० स० 3368 तारीख 5 अगस्त, 1969 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अन्-सूची में विनिर्दिष्ट भूमिय्रों के उपयोग के ब्रधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अजिन करने का अपना श्राभय घोषित कर दिया है।

श्रीर यतः सक्षम प्राधिकारी ने उक्त श्रधिनियम की धारा 6 की उपधारा (।) के ग्रधीन सरकार को रिपोर्ट दे दी है।

श्रीर श्रागे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात ३म श्रधिनियम, से संलग्न भ्रनसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार भ्रजित करने का विनिश्चय किया है ।

म्रब, म्रतः उक्त म्रधिनियम, की धारा 6 की उपधारा (1) द्वारा प्रवत्त मक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतदुद्वारा घोषित करती है कि इस श्रधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का प्रधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतदहारा प्रजित किया जाता है; स्रीर स्रागे उस धारा की उपधारा (4) द्वारा प्रदत सक्तियों का प्रयोग करते हुए केन्द्रीय

सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैंस श्रायोग में, सभी विलंगमों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

श्चतुसूबी जी०जी० एस० I से सी० टी० एफ० तक कलकटर पाइपलाइन बिछाना

राज्य	गुजराप्त	जिलाः	कैर	तालुका: मातर		
गांव		सर्वेक्षण संख्या	हैक्टर	ग्रार०	पी० भ्रार	
नवांगांम	. ,	1 6 2 /	0	0	61	
		154	0	5	5 7	
		970/2	0	11	17	
		987/1		1	15	

[सं ॰ 29 (7) / 65-म्राईम्रोमी/लेगर एण्ड लेंजिस]

ERRATA

New Delhi, the 8th July 1970

S.O.3050.—In the notification of Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals [No. §20/3/67-IOC/LAB(b) dated 7th June, 1969 published under S.O. No. 2375 in the Gazette of India, Part II, Section 3, Sub-section(ii) dated 21-6-1969

At page No. 2488, 248) & 2490 Village:—Jaspur & Dhanaj, Tal. Kalol

	READ										FOR				
Village					Sur- vey No.	Hec- tare	Are	P. Are	Village			Sur- vey No.	Hec.	Are	P. Are
Jaspur . Dhanaj .		•		•	545 538 541	0 0 0	1 11 5	50 25 50	Jaspur Dhanaj .			545 538 541	0 0	2 14 00	23 71 91

[No. 20/3/67-IOC/Lab. & Legis.]

शुद्धि पत्र

नई दिल्ली, 8 जुलाई. 1970

ंका० द्या० 3050. —भारत सरकार के पेट्रोलियम तथा रसायन ग्रीर खान तथा धातु मंत्रालय की ग्रिधिसूचना संख्या 20/3/67-ग्राई ग्री सी/लेबर (बी)] दिनांक 7-6-69 जिसका कान्नी ग्रादेश संख्या 2375 के ग्रन्तर्गत भारत के राजपत्र भाग 11, खण्ड 3 के उप-खण्ड (ii)

दिनांक 21-6-69 को प्रकाशन हुम्रा था, के पृष्ठ मंख्या 2488, 2489, तथा 2490 गांव जयसपुर नथा धनाज, नाल्का कलोल में

u_{σ}	ēπ'
91	1051

"के लिए"

गांव	मर्जेक्षण संख्या	हैक्टर	भ्रार	पो प्रार	गांव'	मर्वेक्षण संख्या	हैक्टर	भ्रार	पी द्यार
————— जनपूर	545	0	1	50	जसपुर	545	0	2	23
धनाज	538	0	11	25	धनाज	538	0	14	71
	541	0	5	50		541	0	00	91

[संख्या 20/3/67-आई स्रो सी/लेबर एण्ड लेजिस]

New Delhi, the 13th July 1970

S 0.3051.—In the notification of Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (No. 20/3/67-IOC/LAB) dated 6-6-1969, published under S O No. 2371 in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated 21-6-1969;

At page No. 2482 (2433 READ

Village:-Gota Tal: Dascroi

FOR

Village	S. No	Hec- tare	Are,	P. Are	Village	S. No.	Hec- tare	Are	P. Are
(1) GOTA	400		0	80	GOTA	400	0		41
	412	0	4	86		412	0	0	66
	415	0	9	49		415	0	13	69
	423	0	12	24		323	Q	II	64
(ii) Omit S.No.	422/1,								

[No. 20/3/7- IOC/Lab. & Legis.]

नई दिल्ली, 13 जुलाई, 1970

का० आ० 3051. — भारत सरकार के पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रा यय की अधिसूचना मख्या (20/3/67-21ई औ सी/लैंबर) दिनांक 6-6-1969 जिसका कानूनी आदेश मख्या 2371 के अन्तर्गत भारत के राज्यत्र भाग 11, खण्ड 3 के उपखण्ड (ii) दिनांक 2!-6-1969 की प्रकाशन हुआ था, के पृष्ट संख्या 2482 तथा 2483 गाव गोष्टा, तानुका दसकराई में

	''पिक्ए''						''के लिए''		
गांव	सर्वेक्षासख्य(हैंक∡र	श्रार पी	ग्रार	गांव	सर्वेक्षण संवया	है क.र	—— म्रारपी	म्बार
(1) गो ।	400	0	0	80	गोटा	400	0	0	41
	412	0	4	86		412	υ	0	66
	415	0	9	49		415	0	13	69
	423	0	12	24		423	0	11	64
(11) सर्वेध	भग नच्या 422/1	काबिलोप	किया ज	ाये ।					

[संख्या 20/3/67-ग्राई ग्रो सी/लेबर एण्ड लेजिस]

S. O. 3052.—In the notification of Government of India in the Miristry of Petroleum & Chemicals and Mines & Metals (No. 20/3/67-IOC/LAB) dated 21-1-1960 published under SO. No. 409 in the Guzztte of India, Part II, Section 3 Sub-Section (ii) dated 1-2-1969;

I. At page No. 454; Village Chandlodia; Taluka City.

"READ"

"FOR"

	Village	S.No,	Hec.	Are.	P. Are	Village	S.No.	Hec.	Are	P. Are
(i)	Chandlodia	167/5	0	12	14	Chandlodai	167/5	0	10	98
(1i)	Omit S.No.	166								

[No. 20/3 67-IOC Lab. & Leg]

M. V. S. PRASADA RAU, Under Secy.

का॰ ग्रा॰ 3052.—भार तस्तान के दिशेलियम तथा रसायन श्रीर खान तथा धानु मतालय की ग्रिधिसूचना संख्या (20/3/67-ग्राई श्री सी लेबर) दिनान 21-1-69 जिसका नानू में श्रादेश संख्या 409 के ग्रन्तर्गत भारत के राजाव भाग 11, खण्ड 3 के उन खण्ड (M) दिनाक 1-2-1969 की प्रकाणन हुआ था, के गुष्ट नंख्या 454, गाव चन्दलोडिया, तालका सिर्टी में

'के लिये''

गांव	सर्वेक्षण गंख्या	हैक्टर श्रार	र्या आर	गांव सर्वे	क्षण संख्या है	बट्र !	स्रार पी	ग्राः
` _	ापा 167/5 o	12 14		चन्द्रलोडिया	167-5	0	10	98

(ii) सबक्षण संख्या 166 का विलोप किया जाए

[मंख्या 20/3/67-ग्राई ग्रो सी/लेबर एण्ड लेजिस]

म०वे० शिव प्रसाद राव, श्रवर मचिव।

MINISTRY OF FOREIGN TRADE

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 7th September 1970

S.O. 3053.—Shri Ram Lal resident of 19/62. Rajinder Nagar, New Delhi was granted a CCP. No. P/J/2371998/N/MN/36/H/31.32 dated 7th July, 1970 for the import of a TV, set worth Rs. 1360/-. He has applied for a duplicate copy of the C.C.P on the ground that the original C.C.P, has been lost. It is further stated that the original C.C.P was not registered with any Custom House and not utilised. In support of this contention he has filed an affidavit. I am satisfied that the original C.C.P. No. P/J/2371998 dated 7th July, 1970 has been lest and direct that a duplicate C.C.P. should be issued to the applicant. The original C.C.P. is cancelled.

[No. 289-IV/R-46/AM71/Adhoc/1389.]

J. SHANKAR,

Deputy Chief Controller of Imports and Exports.

विदेशी व्यापार मन्त्रालय

मुख्य नियंत्रक, झायात-निर्यात का कार्यालय

द्यादेश

नई दिल्ली, 7 सितम्बर, 1970

का० भा० 3053.—श्री रामलाल निवासी 19/62 राजेंग्वनगर, नई दिल्ली को टी॰वी॰ सैंट के आयात के लिए 1,360 रुपये का सीमा शुल्क निकासी परिमिट संख्या पी —जे—2371998/एन—एम— एन—36—एच—31—32, दिनांक 7—7—70 स्वीकृत किया गया था। उन्होंने सीमा शुल्क निकासी परिमिट की अनुलिपि जारी करने के लिए आवेदन किया है, इसके लिए यह आधार दिया है कि मूल सीमा—शुल्क निकासी परिमिट खो गया है। आगे यह बताया गया है कि मूल सीमा शुल्क निकासी परिमिट न तो किसी सीमा शल्क कार्यालय में पंजीकृत किया ग्या था और न ही उमका उपयोग किया गया था। अपने तर्क के सप्तथन में आवेदक ने एक शपथ—पत्र जमा किया है। मैं इस बात से संतुष्ट हूं कि मूल सीमा—शल्क निकासी परिमिट संख्या पी—जे— 2371998, दिनांक 7—7—70 खो गया है और निदेश देता हू कि सीमा शुल्क निकामी परिमट की अनुलिपि आवेदक को जारी की जाए। मूल सीमा—शल्क निकासी परिमट रद्द किया जाता है।

[सं॰ 289-चार/ग्रार-46/ए ए ा 71/ए इहोक/1389]

जे० शंकर,

उप-मुख्य नियंत्रक, ग्रायात निर्यात ।

मादश

नई दिल्ली, 10 जून, 1970

का० आ१० 2141 — आवश्यक वस्तु श्रधिनियम, 1955 (1955 का 10) की घारा 3 द्वारा प्रदत्त सक्तियों का प्रयोग करते हुए के द्वीय सरकार कथर गलाना (अनुज्ञापन) आदेस, 1968 में श्रौर श्रामे संगोधन करने के लिए एनदुद्वारा निस्नलिखित आदेस देनी है, श्रर्थात् :---

- 1. यह म्रादेश कथर गलाना (म्रनुजापन) संगोधन म्रादेश 1970 कहा जा सकेगा।
- 2. कयर गलाना (ब्रतुज्ञापन) श्रादेश, 1968 के खण्ड 3 के उन-खण्ड (4) में "पचास पैसे प्रति श्रतिहित मोटर" तथा "बोत मैंसे" इन शब्दों के स्थान पर ऋषशः "बीत पैसे प्रति वर्ग मोटर" न्थ्रीर "दस मैंसे" ये शब्द रखे जायेंगे ।

[सं॰ 23(8)/टैक्स (डी)/68]

पी० के० मनाल, संयुक्त म चिव ।

MINISTRY OF INDUSTRIAL DEVELOPMENT. AND INTERNAL TRADE

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 28th August 1970

S.O. 3054.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferr by the sub-regulation (1) of Regulation 3 of the said Regulations.

	THE SCHEDULE							
S1. No.	No, and title of the Indian Standard amended	Pate Brief particulars of the Amendment end-	Date from which the amendment shall have effect					
(1)	(2)	fied. (3)	(4)	(5)	(6)			
r	IS: 114-1950 Specification for ready mixed paint, spraying, undercoating, interior, to Indian Standard colours.		No. 2 June 1970	Col. 3, Page 3, Table I, Sl. No. (x),—Substitute '30°C' for '35°C (95°F)'.	I June 1970			
2	IS: 220-1959 Specification for ferro-gallo tannate fountain pen ink (o I per cent iron content) (Revised).		No. 3 May 1970	Clause c-1.1 has been amended	1 May 1970			
3	IS: 591-1964 Specification for mains transformers for electronic equipment (Revised)	S.O. 2042 dated 26 June 1965	No. 2 May 1970	Clauses 23 & 24 have been deleted	1 May 1970			
4	IS: 722 (Part II)-1962 Specification for Acelectricity meters Part II, Single-phase 2-wire whole current watte-hour meters (Revised).	S.O. 1998 dated 30 June 1962	No. 3 April 1970	This amendment is being issued to redesignate this standard as IS:722 (Part II) Sec 1)-1962 Specification for Ac Electricity Meters: Part II Single-Phase 2-wire Whole-Current Watt Hour Meters; Section I Meters with Maximum Continuous Current Ratings (Revised) and to effect other modifications consequent to the publication of IS: 722 (Part II/Sec 2)-1966 Specification for AC Ectricity Meters: Part II Single-Phase 2-Wire Whole-Current Watt-Hour Meter Section 2 Meters with Basic Current Ratings.	7			

5	IS-814-1967 Specification for covered elec- trodes for metal are welding of mild steel (Second Revision).	S.O. 3453 dated 28 Sep. 1968	No. 2 June 1970	Clause 7. I has been amended	1 April 1970
6	IS:990-1964 Specification for spoons, stain- less steel (Revised).	S.O. 895 dated 20 March 1965	No. 1 June 1970	Clause 7.3 and table I have been substituted by new ones.	1 June 1970
7	IS:1061-1964 Specification for disinfectant fluids, black and white (Revised).	S.O. 83 dated 2 Jan 1965	No. 1 June 1970	Clause 4.2 has been amended	I June 1970
8	IS:1079-1968 Specification for hot rolled carbon steel sheet and strip (Second Revision)	S.O. 1906 dated 17 May 1969	No. 1 June 1970	Clause 10, 2 has been substituted by a new one	2 June 1970
9	IS:1506-1967 Specification for copper oxy- chloride dusting powder (First Revision).	S.O. 4633 dated 30 Dec 1967	No. 1 June 1970	Clause 3.1 has been amended	I June 1970
10	IS:1507-1966 Specification for copper ozy- chloride water dispersible powder concen- trates (First Revision).	S.O. 1759 dated 20 May 1967	No. 1 June 1970	Clause 3.1 has been amended	I June 1970
II	IS:1669-1960 Specification for cuprous oxide dusting powders.	S.O. 341 dated 11 Feb 1961	No. 3 June 1970	Clause 5.1 has been amended	1 June 1970
12	IS:1913-1969 General and safety requirements for electrical lighting fittings (First Revision).	S.O. 3929 dated 27 Sep 1969	No. 1 May 1970	 (i) (Page 2, line 4)—Substitute 'Shri S. Sen' for 'Shri B. Sen'. (ii) (Page 17, Fig. 1, caption)—Substitute 'Fig. 2' for 'Fig. 1'. (iii) [Page 27, clause C-1. 3. 3 (d), line 4]—Substitute 'Fig. 2' for 'Fig. 1'. (iv) (Page 27, clause C-1. 3. 4, line 4)—Substitute 'Fig. 2 and 3' for 'Fig. 1 and 2'. (v) Page 28, Fig. 2, caption)—Substitute 'Fig. 3' for 'Fig. 2'. (vi) (Page 29, Fig. 3, caption)—Substitute 'Fig. 1' for 'Fig. 3'. 	1 May 1970
13	IS:2141-1968 Specification for galvanized stay strand (First Revision).		No. 1 Ap r il 1970	 (i) Tables 1, 2 & 3 have been amended. (ii) Clauses 6,4 and 7, 1 have been substituted by new one s (iii) A new footnote has been added at the end of the existing footnotes at page 7. 	21 April 1970
14	IS:2358-1963 Specification for formulation based on stabilized methoxy ethyl mercury chloride concentrate.		No. 1 June 1970	(Page 6, clause 5.1, line 3)—Substitute '0.062 mm (250 gauge)' for '0.125 mm (500 gauge)'.	I June 1970

[PART II-

(1)	(2)	(3)	(4)	(5)	(6)
15	IS:2556 (Part I)—1967 Specification for vitreous sanitary appliances (vitreous china) Part I General requirements (First Revision).	S.O. 2766 dated 10 Aug 1968	No. 2 May 1970	 (i) Clause 2,7 has been substituted by a new one. (ii) Clauses 6,2,3 and 7,1 have been amended. 	1 May 1970
16	IS:2556 (Part VI)—1957 Specification for vitreous sanitary appliances (vitreous china) Part VI Specific requirements of urinals (First Revision).	S.O. 2766 dated 10 Aug 1968	No. 1 April 1970	(Page 6, Fig. 1)—Substitute '48 to 52 mm' for '63 to 57 mm'.	1 April 1970
17	IS:2596-1964 Specification for bulbs (lamps) for miners' caplamps.	S.O. 1840 dated 30 May 1964	No. 3 April 1970	(i) clause 3.4 has been amended(ii) Appendix B has been substituted by a new one.	1 April 1970
18	IS:2675-1966 Specification for enclosed distribution fuseboards and cutouts for voltages not exceeding 1000V (First Revision).	S.O 1759 dated 20 May 1967	No. 1 April 1970	(Page 9, clause 8.1 line 2)—Delete reference to IS:3427‡ and also the relevant footnote.	
19	IS:285-1964 Specification for carpenters' augers.	S.O. 735 dated 6 March 1965	No. 24 June 1970	(i) Clause 6·I has been substituted by a new one.(ii) Clause 10·I has been amended.	I June 1970
20	IS:3087-1965 Specification for wood particle boards (medium density) for general purposes.	S.O. 2820 ⁷ dated 11 Sep 1965	No. 17 April 1970	(i) Clauses 5, 1, 7, 4 (c) 10, 9, A-4, 1 and table 2 have been amended.	1 April 1970
2 I	IS:3383-1965 Specification for wettable sulphur powder.	S.O. 4023 dated 31 Dec 1966	No. 1 ⁷ June 1970	(Page 4, clause 3.1 line 4)—Substitute '0'062 mm (250 gauge)' for '0,125 mm (500 gauge)'.	1 June 1970
22	IS:3513 (Part I) - 1966 Specification for high and medium density woodbased is a nates (Compreg) Part I Electrical purposes.	S.I. 2687 dated 10 Sep 1966]	No. 1 June 1970	Clauses 4.4, 5.7 and table 3 have been amended.	1 June 1970
23	IS:3513 (Part III) - 1966 Specification for high and medium density woodbased laminates (Compreg) Part III General purposes.	S.O. 3011 dated 8 Oct 1966	No. 1 June 1970	Clauses 4.3, 5.8 and table 2 have been amended.	1 June 1970

24	IS:3824 (Part II)-1966 Methods of evalua- ing dynamic load ratings of rolling bearings Part II radial roller bearings.		No. 1 June 1970	Clause 3. I has been amended	I June 1970
25	IS:3873-1966 Code of practice for laying in situ cement concrete lining on canals	S.O. 1972 dated 10 June 1967	No. 1 May 1970	(i) Clause 6, 2, 2 has been substituted by a new one (ii) (Page 11, clause 7, 2 and Fig. 2)— Substitute 'Fig. 3' for 'Fig. 2' at both the places.	1 May 1970
26	IS:3891-1966 Specification for layout for honey processing unit.	S.O. 1325 dated 15 April 1967	No. 1 June 1970	Clause 0,2 has been amended	I June 1970
27	IS:4064—1967 Specification for normal duty air-break switches and composite units of air-break switches and fuses for voltages not exceeding 1000 volts.		No. 2 Apríl 1970	Clauses 5, 1 and 9, 5, 1 have been amended	1 April 1970
28	IS:4356-1967 Specification for paper cuttings.	S.O. 683 dated 24 Feb 1968	No. 1 June 1970	Clause 3.2 has been substituted by a new one.	I June 1970
29	IS:4706-1968 Methods of test for edible starches.	S.O. 3961 dated 9 Nov 1968	No. 1 June 1970	(Page 5, clause 3.2 line 3)—Substitute '5g' for '20g'.	1 June 1970
30	IS 4896-1968 Specification for one percent chromium steel castings for resistance to abrasion.	S.O. 1455 dated 19 April 1969	No. 1 June 1970	(i) Clauses 14.1 and 14.2 have been substituted by new ones. (ii) (Page 8, clause number under Appendix A)—Substitute '14.1.1' for '14.2	• 1

Copies of these amendments are available with the Indian Standards Institution, 'Manak Bhavan', 9, Bahadur Shah Zafar Marg. New Delhi-1 and also its branch offices at (i) 534 Sardar Vallabhbhai Patel Road, Bombay-7, (ii) 5, Chowringhee Approach, Calcutta-13, (iii) 54, General Paters Road, Madras-2, (iv) 117/418-B, Sarvodaya Nagar, Kanpur, and (v) 5-9-201/2, Chirag Ali Lane, Hyderabad-1.

[No. CMD/13:5.]
A.K. GUPTA,
Deputy Director General

मोद्योगिक विकास तथा मांतरिक व्यापार का मंत्रालय (ग्रौद्योगिक विकास विभाग)

(भारतीय मानक संस्था)

नई दिल्ली, 28 ग्रगस्त, 1970

क्रमा॰ 3854.--मारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 4 के ग्रनुसार भारतीय मानक संस्था सूचित करती है कि उक्त विनियम के विनियम 3 के उपविनियम (1) के ग्रनुसार प्राप्त ग्रधिकार के ग्रघीन यहां ग्रनुसूची में दिए भारतीय मानकों के संशोधन जारी किए गए हैं।

कम संख्या	संम्रोधित भारतीय मानक की संख्या ग्रौर भीर्षक	जिस गजट में भारतीय मानक तैयार होने की सूचना छ्पी थी उसकी संख्या मौर दिनांक	संक्षोधन की संख्या ग्रौर दिनांक	संभोघन का संक्षिप्त विवरण	सभोधन लागूहों की तिथि
1	2	3	4	5	6
1	IS: 114-1950 भार- तीय मानक रंगों के अनुरूप भीतर, स्त्रे द्वारा निचली परत देने के लिए तैयार मिश्रित रंग रोगन की विशिष्टि	7 26 मार्च, 1955 7	संख्या 2 जून, 1970	[पृ०3 सारणी 1 ऋम संख्या (🗴 स्तम्भ 3] 35 [°] से (95° फ०) के स्थान पर 30 [°] से कीजिए) 1 जून, 197
2	IS: 220-1959 फेरो-	दिनांक 10 दिसम्बर, 1970	संख्या 3 मई, 1970	खण्ड सी1.1 संशोधित किया गया है ।	1 मई, 197

IS: 891-1964 इलेक्ट्रा - एस ग्री 2042 खण्ड 23 ग्रीर 24 हंटा दिए गए हैं 1 मई, 1970 संख्या 2 निक उपकरण कें लिए मेन्स के दिनांक 26 जून, 1970 मई. 1970 ट्रांसफार्मर (पुनरीक्षित) IS: 722 (भागं 2)-1962 एस स्रो 1998 संख्या 3 यह संशोधन इस मानक का नाम बदल ग्रप्रैल, 1970 4 एसी बिजली के मीटर भाग 2 दिनांक 30 जून, 1962 श्रप्रैल, 1970 कर यह नाम करने के लिए IS: एक फेजी, दो तार, पूर्ण घारा 722 (भाग 2/ अनुभाग 1)---वाट घंटा मीटर (पुनरीक्षित) 1962 ए सी बिजली के मीटर भाग 2 एक फेजी, दो तार, पूर्ण धारा वाट घटा मीटर; ग्रनुभाग 1 ग्रधिक-तम श्रविराम धारा रेटिंग वाले मीटर (पुनरीक्षित) तथा ग्रन्य परि-वर्तन करने की दृष्टि से किया गया। ये परिवर्तन IS: 722 (माग 2/ ग्रनभाग 2)---1969 ए सी बिजली के मीटर भाग 2 एक-फेजी, दो तार, पूर्णधारा वाट घंटा मीटर;

् खण्ड 7.1 को सभोधित किया गया 1 भ्रप्रैल, 1970 IS: 814-1967 मुद एस को 3453 संख्या 2 6 इस्पात की मेटल भाक वेल्डिंग दिनांक 28 सितम्बर, 1968 जून, 1970 के लिए ढके इलेक्ट्रोडों की

विशिष्टि (दूसरा पुनरीक्षण)

हो मए थे।

श्रनुभाग 2 मूल धारा रेटिंग वाले मीटर. के प्रकाशन से भ्रावश्यक

1	2	3	4	5	6	
6	IS: 990-1964 स्टेनलेस ए इस्पात के चमचों की विक्रिष्टि दिन (पुनरीक्षित)			खण्ड 7.3 ग्रौर सारणी 1 के स्थान पर नये खण्ड ग्रौर सारणी दिए गये हैं।	1 जून,	1970
7	IS: 1061-1964 काला भ्रौर सफेद संक्रमणहारी द्रव दि (पुनरीक्षित)	-		खण्ड 4.2 को संशोधित किया गया है।	1 जून,	1970
8	IS: 1079-1968 गर्मे रोल्ड एस कार्बन इस्पात की चद्दर श्रोर दिन पट्टी की विक्षिष्टि (दूसरा पुनरीक्षण)		संख्या 1 जून, 1970	खण्ड 10.2 के स्थान पर नया खण्ड दिया गया है ।	2 जून,	1970
9	IS: 1506-1967 कापर एस स्राक्सीक्लोराइड घूलन पाउडर दिन की विशिष्टि (दूसरा पुनरी- क्षण)			खण्ड 3.1 को संशोधित किया गया है।	1 जून,	1970
10	IS: 1507-1966 काँपर श्राक्सीक्लोराइड के जल छिड़क-ौं दि नीय तेज चूर्ण की विक्रिप्टि (पहला पुनरीक्षण)		संख्या 1 जून, 1970	खण्ड 3.1 को संशोधित किया गया है।	1 जून,	1970
11	IS: 1669-1960 क्यूप्रस ग्राक्साइड धूलन पाउडर दिन			खण्ड 5.1 को संशोधित किया गया है।	1 जून,	1970

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(1) (पृ० 2 पंक्ति 4)—श्री 'बी॰ 1 मई,
                                                                                                                       1970
                                                            संख्या 1
         IS: 1913-1969 बिजली की एस म्रो 3928
12
                                                                              सेन' के स्थान पर श्री 'एस० सेन'
       रोशनी की फिटिंग सम्बन्धी दिनांक 27 सितम्बर, 1969
                                                            मई. 1970
                                                                              कीजिए।
       सामान्य और सूरक्षा भ्रपेक्षाएं
                                                                           (2) (पृ० 17 ग्राकृति 1 शीर्षक)
                                                                              'माकृति 1' के स्थान पर 'माकृति 2'
                                                                              कीजिए ।
                                                                           (3) (प्० 27 खण्ड सी-1.3.3(डी)
                                                                             पंक्ति (4)—'ग्राकृति 1 ' के
                                                                              स्थान पर 'ग्राकृति 2' कीजिए।
                                                                           (4) (प्० 27 खण्ड सी-1. 3.4
                                                                              पंक्ति 4) 'ब्राकृति 1 ग्रौर 2' के
                                                                              स्थान पर 'ग्राकृति 2 ग्रौर 3'
                                                                              कीजिए ।
                                                                           (5) (पृ० 28 म्राकृति 2 शीर्षक)-
                                                                              'म्राकृति 2' के स्थान पर 'म्राकृति
                                                                                   कीजिए ।
                                                                            (6) (पृ० 29 म्राकृति 3 शीर्षक)
                                                                              'त्राकृति 3' के स्थान पर 'त्राकृति 1'
                                                                              कोजिए ।
                                                                                                               21 ग्रप्रैल, 1970
                                                                             (1) सारणी 1, 2 ग्रौर 3 को संश्लो-
                                                             संख्या 1
        IS: 2141-1968 गाल्वीकृत
                                                                              धित किया गया है।
                                                             ग्रप्रैल, 1970
        रोक तार की लड़ की विशिष्टि
                                                                             (2) खण्ड 6.4 मीर 7.1 के स्थान
        (पहला पुनरीक्षण)
                                                                              पर नए खण्ड रखे गए हैं।
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1	2	3	4	5	6
				(3) पृ० 7 पर वर्तमान पादटिप्पणी के साथ एक ग्रौर पादटिप्पणी जोड़ी गई है ।	
14	$IS_{:}^{t}$: 2358-1963 स्थिरीकृत मेथाक्सी इथाइल पारद क्लोराइड तेज चूर्ण से बने योगिकों की विश्विष्टि	एस श्रो 2160 दिनांक 3 ग्रगस्त, 1963		(पृ० 6खण्ड 5.1 पंक्ति 3)— 0.062 मिमी (250 गेज) कीजिए 0.125 मिमी (500 गेज)' के स्थान पर ।	1 जून, 1970
15	IS: 2556 (भाग 1)-1967 कांचाय सेनीटरी साधनों की विशिष्टि (कांचाम चीनी मिट्टी) भाग 1 सामान्य ग्रपे- क्षाएं (पहला पुनरीक्षण)		संख्या 2 3 मई, 1970	(1) खंण्ड 2.7 के स्थान पर नया खण्ड दिया गया है। (2) ख ^{्ड} 6.2.3 भ्रौर 7 .1 को संजोधित किया गया है।	1 मई, 1970
16	IS: 2556-(भाग 4)-1967 कांचाभ सेनीटरी साधनों की विभिष्ट (कांचाभ चीनी मिट्टी) भाग 4 मूत्रालयों की विभिष्टि अपेक्षाएं (पहला पुनरीक्षण)			(पृ० 6, म्राकृति 1)-'63 से 67 मिमी' के स्थान पर '48 से 52 मिमी' कीजिए	1 শ্বসঁল, 1970
17	IS: 2596-1964 खनिकों के कैंप लैंग्पों के बल्बों की विश्वाष्टि	•		(1) खन्ड 3.4 को संशोधित किया गया ।(2) परिक्षिप्टि बी के स्थान पर नयापरिक्षिप्टि दिया गया है ।	है 1 श्रप्रैल, 1970

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ÎS: 2675-1966, 1000 एसंग्री 1759
18
                                                       संख्या 1
                                                                        (प 9, खण्ड 8.1, पंक्ति 2) -
                                                                                                        1 ग्रप्रैल. 1970
       वोल्टता से ग्रनधिक वोल्टता दिनांक 20 मई, 1967
                                                       ग्रप्रैल, 1967
                                                                         IS: 3427 का उल्लेख ग्रीर साथ
       वाले बंद वितरण पयजबोर्ड
                                                                          की पाद टिप्पणी को हटा दीजिए।
       भौर कडग्राहटों की विशिष्टि
        (पहला पुनरीक्षण)
       IS: 2852-1964 बढइयों के
                                   एस यो 735
                                                                       (1) खण्ड 6, 1 के स्थान पर नया-
19
                                                        संख्या 2
                                                                                                          1 जन, 1970
       बरमों की विशिष्टि
                                   दिनांक 6 मार्च, 1965 जन, 1970
                                                                          खाड दिया गया है
                                                                       (2) खःड 10.1 को संशोधित किया
                                                                          गया है
20
       IS: 3087-1965 सामान्य
                                   एस ग्री 2820
                                                                       खण्ड 5.1, 7.4 (सी), 10.9, ए-
                                                                                                        1 म्रप्रैल, 1970
                                                         संख्या 1
       कार्यों के लिए लकड़ी के पार्टि-
                                   दिनांक 11 सितम्बर, 1965 भ्रप्रैल, 1970
                                                                          4.1 और सारणी 2 को संशोधित
       कल बोर्ड (मध्यम घनत्व) की
                                                                          किया गया है
       विशिष्टि
       IS: 3383-1965 म्राईन -
                                   एस ग्री 4023
                                                                       (पू॰ 4 खण्ड 3.1 पंक्ति 4)- 0.
21
                                                        संख्या 📜
                                                                                                          ज्न,
       योग्य गंधक चर्ण की विशिष्टि
                                  दिनांक 31 दिसम्बर, 1966 जून, 1970
                                                                          125 मि मी (500 गेज)' के
                                                                         स्थान पर ' 0.062 मि मी (250
                                                                         गेज)' कीजिए
22
       IS: 3513 (भाग 1)-1966
                                    एस म्री 2687
                                                                  खण्ड 4.4, 5.7 ग्रौर सारणी 3 को
                                                        संख्या 1
                                                                                                          जुन , 1970
       उच्च और मध्यम घनत्व वाले
                                    दिनांक 10 सितम्बर, 1966 जून, 1970
                                                                         संशोधित किया गया है।
       सकड़ी के बने परतों (काम्प्रेग)
       की विशिष्टि, भाग 1 बिजली
       के कार्यों के लिए
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खण्ड 5.1 ग्रीर 9.5.1 की संशोधित 1 ग्रप्रैल, 1970 27 : 4064-1967, 1000 -एस ग्री 3673 दिनांक 14 ग्रक्टबर, 1967 श्रप्रैल, 1970 किया गया है वोल्ट से भ्रनधिक वोल्टता वाले सामान्य इयुटी एयर ब्रेक स्विचों, भौर एयर ब्रेक स्विचों ग्रौर पयुजों की मिली इका-इयों की विभिष्टि IS: 4356-1967 काग्रज की 1970 एस स्रो 683 संख्या खण्ड 3.2 के स्थान पर नया खण्ड 28 दिया गया है कटिंग की विशिष्टि दिनांक 24 फरवरी, 1968 जन, 1970 IS: 4706-1968 खाद्य मांडों एस भी 391 (प॰ 5 खण्ड 3.2 पंक्ति 3) '20गा' 1 जन, 1970 संख्या 29 के स्थान पर '5गा' कीजिए की परीक्षण पद्धति दिनांक 9 नवम्बर, 1968 जन, 1970 (1) खण्ड 14.1 और 14.2 के IS: 4896-1968 धर्प प्रति- एम म्रो 1455 संख्या 1 जन. 1970 30 रोध के लिए एक प्रतिशत कोमि-स्थान पर नए खण्ड दिए गए हैं। दिनांक 19 ग्रप्नै, 1969 जन, 1970 (2) (पृ० 8 परिशिष्टि ए के सर्घीन यम इस्पात की ढली वस्तुओं की विशिष्टि खण्ड) 14.2 के स्थान पर 14.1.1 कीजिए।

(1) 534 सरदार बल्लभ भाई पटेल रोड, बम्बई-7, (2) 5 चौरंगी ऐप्रोच कलकत्ता -13, (3) 5-9-20 1/2 चिराग ग्रली लेन,

इन संज्ञोधनों की प्रतियां भारतीय मानक संस्था, मानक भवन 9 व जा जफर मार्ग नई दिल्ली-1, ग्रौर इसके इन शाखा कार्यालयों से भी मिल सकती

(4) 117/418 बी, सर्वोदय नगर कानपुर, (5) 54 जनरल पैटर्स रोड, मद्रास -2 ।

ए० के० गुप्ता, उप-महानिदेशक

[सं० सी एम डी/13:5]

(Department of Industrial Development)

ORDER

New Delhi, the 12th August 1970

S.O. 3055 IDRA/6/6/70.—In exercise of the powers conferred by Section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), read with rules 5 and 8 of the Development Council (Procedural) Rules, 1952, the Central Government hereby appoints, till 15th December, 1971, Shri S. R. Basu, Superintendent of Advances, State Bank of India, Bombay, in place of Shri P. S. Vaida, State Bank of India, Bombay, as a member of the Development Council established by Order of the Government of India in the erstwhile Ministry of Industrial Development, Internal Trade and Company Affairs (Department of Industrial Development) No. S.O./IDRA/6/5/69, dated 16th December, 1969 for the scheduled industries engaged in the manufacture or production of Man-Made Textiles, and directs that the following amendment shall be made in the said order, namely:—

In the said Order, for entry No. 21 relating to Shri P. S. Vaida, State Bank of India, Bombay, the following entry shall be substituted, namely:—

"21. Shri S. R. Basu, Superintendent of Advances, State Bank of India, Bombay.

[No. 13(5)DC/69-LC.]

R. C. SETHI, Under Secy-

(ग्रौद्योगिक विकास विभाग)

चारेडा

नई दिल्ली, 12 ग्रगस्त, 1970

एस० छो० 3055/झाई०डी०झार० ए० 6/6/70.—उद्योग (विकास तथा विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 के द्वारा प्रदश्त शिवत्यों का प्रयोग करते हुए, विकास
परिषद् (कार्य-विधि) नियम, 1952 के नियमों के नियम 5 और 8 के साथ पढ़ते हुए, केन्द्रीय सरकार
एसव्द्वारा श्री एस० ग्रार० बसु, पेशगी अधीक्षक, स्टेट बैंक ग्राफ इंडिया, बबंई को श्री पी०एस० बैंद,
स्टेट बैंक ग्राफ इंडिया के स्थान पर 15 दिसम्बर, 1971 तक की अवधि के लिए हाथ से तैयार वस्तों
के निर्माण अथवा उत्पादन-रत अनुसूचित उद्योगों के लिए भारत सरकार के भूतपूर्व भौद्योगिक
विकास, ग्रांतिक व्यापार सथा, समनाय-कार्य मंत्राक्षय (भौद्योगिक विकास ध्वभाग) के ग्रादेश
अंख्या एस० ग्रो० आई० डा० ग्रार० ए०/6/5/69 दिनांक 16—12—69 के द्वारा स्थापित विकास
परिषद् का सदस्य नियुक्त करती है और यह निदेश देती है कि उपरलिखित ग्रादेश में निम्नलिखित
संशोधन किया जाएगा, ग्रर्थात:—

उपरिलखित श्रादेश में, प्रविष्टि संख्या 21 जो श्री पी० एस० वैद, स्टेट बैंक झाफ इंडिया, बंबई से संबंधित है, के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, श्रर्थात् :---

> "21. श्री एस० म्रार० बसु, पेशगी म्रधीक्षक, स्टेट बैंक श्राफ इंडिया, बंबई।"

> > [संख्या 13(5)/डी॰ सी॰/69-एल॰सी॰]

म्रार० सी० सेठी, भवर सचिव ।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 29th August 1970

S.O. 3056.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Bombay Port Trust, Bombay and their workmen, which was received by the Central Government on the 20th August, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

REFERENCE No. CGIT-2/31 OF 1968

Employers in relation to the Bombay Port Trust, Bombay

AND

Their Workmen.

PRESENT:

Shri N. K. Vani, Presiding Officer.

APPEARANCES:

For the employers—Shri R. K. Shetty, Deputy Legal Adviser, Bombay Port.
Trust.

For the Workmen—(1)Shri S. Maitra, General Secretary, Bombay Port.

Trust General Workers' Union, Bombay. (2) Shri S. K. Shetye,
General Secretary, Bombay Port Trust Employees' Union, Bombay.

Bombay, the 11th August 1970

STATE: Maharashtra.

INDUSTRY: Ports and Docks.

AWARD

By order No. 28(31)/67-LR. III dated 13th July, 1967, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by sub-Section. (2) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred to the Central Government Industrial Tribunal, Bombay for adjudication, an industrial dispute existing between the employers in relation to the Bombay Port Trust, Bombay and its workmen represented by the Bombay Port Trust General Workers' Union, Bombay and the Bombay Port Trust Employees' Union, Bombay in respect of the matters set forth in the Schedule mentioned below:—

SCHEDULE

- "Whether the demand that Shri Hassan Ahmed, has a prior claim for promotion to the post of Motor Engine Driver, Grade I, in 'C' cadre vessels of the Port Department as against the claims of Sarvashri Hassan Cassum, Ebrahim Dawood, Ally Meya Hussain, Ismail. Bhauddin is justified? If so, to what relief is Shri Hassan Ahmed entitled and from what date?"
- 2. Later on, this reference was transferred to this Tribunal No. 2, Bombayfor adjudication by order No. 22/8/68-LRIII dated 25th November, 1968.
 - 3. The facts giving rise to this reference are as follows:-
- 4. In the month of July, 1965, the Bombay Port Trust authorities terminated the services of certain Pakistani Nationals in their employment after the outbreak of hostilities between India and Pakistan. Most of these employees were-from amongst the ranks of engine room crew of the Deputy Conservator's Department. There was, therefore, a shortage of persons holding the prescribed qualifications for appointment to the post of Motor Engine Driver, Grade I. The Bombay Port Trust authorities, therefore, agreed to the suggestion made by the Bombay Port Trust General Workers' Union and the Bombay Port Trust Employees' Union that two posts of Motor Engine Driver, Grade I, on the M.P.V. 'Venu' and two posts of Motor Engine Driver, Grade I, on the M.T. 'Akshaya' for which the qualification prescribed under the Port Trust Rules is a First Class Motor Engine Driver's Certificate of competency, should be temporarily downgraded to an equivalent number of posts of Motor Engine Driver, Grade II, for which the qualification prescribed under the Port Trust Rules is

Second Class Motor Engine Driver's Certificate of competency on the respective vessels. Accordingly, these vacant posts were downgraded and filled by Motor Engine Drivers, Grade II.

5. Later on, 5 Motor Engine Drivers, Grade II, have acquired 1st Class Motor Engine Driver's Competency Certificate. They are as follows:—

S1. No.	1	Name			<u>.</u>	Date of first appointment in the Port Trust.	Date of ob- taining M.E. Driver, Ist Class Certi- ficate
1 2 3 4 5	Shri Hassan Cassum Shri Ibrahim Dawood Shri Ally Meya Hussair Shri Ismail Bhauddin Shri Hasan Ahmed		 	 		1-6-1944 1-7-1948 13-8-1948 17-5-1949 21-6-1949	30-9-1966 1-8-1966 5-9-1966 3-8-1966 28-7-1966

6. On 27th November, 1965, the Assistant Secretary, Shri R. U. Pai, wrote a letter to the General Secretary, Bombay Port Trust General Workers' Union, Bombay (vide Ex. 4/W). The relevant portion of this letter regarding item No. (6) is as follows:—

"Dear Sir,

Pending disputes regarding Port Department Flotilla Staff,

- I am directed to refer to this office letter Nos. L/GEE-G(u)/3770 and 3791 dated 18th November, 1965 and 20th November 1965 respectively and to set out below the conclusions reached at the fourth round of discussions which the General Manager held on the 25th November 1965 with a deputation of your union—
 - (6) Confirmation of employees appointed in the chain of vacancies caused by the discharge of Pakistani nationals:
- The Union requested that early orders should be passed to confirm employees who were appointed in vacancies caused by the discharge of Pakistani nationals and who were due for such confirmation.
- It was agreed that the Deputy Conservator would take necessary action in the matter as expeditiously as possible."
- 7. On 16th February, 1966, the General Secretary, Bombay Port Trust General Workers' Union, addressed a letter to the General Manager, Bombay Port Trust (Ex. 5/W). It is as follows:—

"Dear Sir,

Grievances of the employees working in the Deputy Conservator's Department—Implementation of settlement—

We have the honour to refer to your letter No. S/GEE-G(u)/3897 dated 27th November, 1965.

- 2. We shall thank you to refer to items Nos. (3), (4), (6) and (7) and beg to point out that till this date the settlement or the assurance given against the aforesaid items has not yet been implemented. It is not understood why the Administration is adopting such a policy when the genuineness of our grievance has been admitted and when it has been agreed to remove the same, it is shameful that dilatory tactics should be adopted and implementation of the assurance should be refused or denied under one plca or the other.
- 3. We submit that the matter should be looked into forthwith and implementation should be directed to be effected without further loss of time."
- 8. As no reply was received to Ex. 5/W, the General Secretary, B.P.T. General Workers' Union again addressed a letter on 17th May, 1966 (Ex. 6/W) to the General Manager, Bombay Port Trust, Bombay. It is as follows:—

"Dear Sir.

.Grievances of the employees working under the Deputy Conservator's Department—implementation of settlement.

- We shall thank you to kindly refer to our representation even No. dated 16th February, 1966 on the above subject, wherein we had requested that items Nos. 3, 4, 6 and 7 on which your Administration had agreed to meet the points raised by the Union should be implemented. Unfortunately, in spite of a nding repeated reminders it has not been possible for us to secure a reply or implementation of the assurances given. We submit that the failure of the Port Trust Administration to implement the settlements is considered very serious a problem by tells. Union and unless the matter is effectively resolved without any loss of time, we shall be forced to take the matter with the land stry of Labour for necessary settlement."
- 9. On 2nd June, 1966, the General Secretary, Bombay Port Trust General Workers' Union Bombay again addressed a letter (copy Ex. 7/W) to the General Manager, Bombay Port Trust. It is as follows:—

"Dear Sir.

- Grievances of the employees working under the Deputy Conservator—Implementation of settlement.
- We shall thank you to kindly refer to your letter No. L/GEE-G(u)/3897 dated 27th November 1965, wherein it has been agreed by the Port Trust Administration to implement items Nos. 3, 4, 6 and 7. We have much regret that in spite of repeated reminders and in spite of the fact that more than six months have elapsed since the demand of this Union was conceded by the Administration, it has not yet been possible for the Deputy Conservator to implement the demands that have been conceded by the Chairman. We are particularly perturbed as to why the Deputy Conservator is refusing to implement and confirm the employees appointed in the chain of vacancies caused by the discharge of Pakistani nationals. We have been informed that the confirmations are being held up with a view to accord higher seniority to certain employees who have not yet secured diesel endorsement. If this is the position and our information is correct, we beg to point out that whoever is responsible for such a stand is guilty of naked nepotism and favouritism.
- We submit that all these employees who have been appointed against vacancies caused by the discharge of Pakistani nationals should be confirmed with effect from the date of their respective appointment. We also demand that all the other demands that have already been conceded should also be implemented without any further loss of time."
- 10. On 11th June, 1966, Shri R. U. Pai, Asstt. Secretary, Bombay Port Trust gave reply to the General Secretary, B.P.T. General Workers' Union, Bombay-(copy at Ex. 8/W). The relevant portion of this reply is as follows:—

"Dear Sir,

Grievances of employees of Port Department

- With reference to your letter No. GW/P/15-12 dated 2nd June, 1966 on the above subject I am to state that the position in respect of the items referred to therein is as follows:—
- Item No 6—Confirmation of employees appointed in the chain of vacancles caused by the discharge of Pakistani nationals:—
- The work is well on hand and it is expected that the orders of confirmation of the employees concerned will be passed before the end of this month."
- 11. On 4th July, 1966, the General Secretary, B.P.T. General Workers' Union, again made grievances to the Secretary, Bombay Port Trust by addressing him a letter (vide copy at Ex. 9/W). It is as follows:—

"Dear Sir,

- Grievances of employees of the Port Department Non-implementation of assurances given
 - With reference to the above subject we shall thank you to kindly refer to your letter No. L/GEE-G(u)/1762 dated the 11th June, 1966-
 - Dealing with Item No. 6, we were assured that the confirmation of all employees, who are working against permanent posts or posts of the permanent nature, will be done 'before the end' of June, 1966. We very much regret that once again your administration has failed to honour its own assurance.

- In connection with the confirmation of the employees working under the Deputy Conservator, we have to point out that there are two posts of Driver, 1st Class on 'Venu' and two posts of Driver, 1st Class on 'Akshaya'. Both the two posts on 'Venu' and 'Akshaya' are being run by Drivers, 2nd Class. We submit that the requirements of Diesel Training Scheme having been concluded there are no justificable reasons to operate the posts of Driver 1st Class by Drivers 2nd Class. We have to demand that the vacancies of four permanent posts of Drivers 1st Class, must necessarily be filled and eligible drivers be given the posts."
- 12. On 14th July, 1966, the General Secretary, B.P.T. General Workers' Union, Bombay made serious allegations and grievances by his letter (copy at Ex. 10/W) addressed to the Chairman, Bombay Port Trust. It is as follows:—

"Dear Sir,

- Non-implementation of assurances given in connection with the demands of the employees of Port Department.
- With reference to the above subject, the Secretary, Bombay Port Trust under his No. 1./GEE/G(u)/1762 dated 11th June. 1966, while dealing with the question of confirmation of employees appointed in the chain of vacancies caused by the discharge of Pakistani nationals, had assured this union that:—
 - 'THE WORK IS WELL IN HAND AND IT IS EXPECTED THAT THE ORDERS OF CONFIRMATION OF THE EMPLOYEES CONCERNED WILL BE PASSED BEFORE THE END OF THIS MONTH.
- It is very much regretted that though by the end of June, 1966, the confirmation was to be completed, till this date it has not been done. It is learnt that some of the employees of the Port Department are expecting to appear for higher competency examination and thereafter claim appointment on the higher posts. It is these employees, who it has been reported to us have paid at the rate of Rs. 500/- per head to the Clerks of the Deputy Conservator's Department, including Timekeepers and Head Clerks and it is on this account that the actual confirmation is being delayed. It is also on account of this fact of heavy bribery that the confirmation of posts of Drivers 1st Class of 'Akshaya' and 'Venu' is being denied and delayed.
- We, therefore, request you to kindly look into the matter personally and ensure immediate confirmation which alone would force the corrupt staff to pay back their money if at all they have taken such monies."
- 13. On 18th/19th August, 1966, Shri R. U. Pai, Asstt. Secretary, Bombay Port Trust gave reply to the General Secretary, B.P.T. General Workers' Union, Bombay (Copy at Ex. 11.W). It is as follows:--

"Grievances of employees of Port Department.

Dear Sir.

- With reference to your letter Nos. GW/P/15-12 dated the 14th July. 1936 and 10th August, 1966 on the above subject, I am to state that the Deputy Conservator has since reported that the confirmations of Engine Room crew due for such confirmations have since been effected and confirmation memo have been issued individually to the employees concerned.
- 2 As regards your demand in regard to downgrading of 4 posts of Motor Engine Driver, Gr. I, to posts of Motor. Engine Driver. Gr. II on the 'Venu' and 'Akshaya', I am to state that the downgrading is in accordance with the arrangement agreed to between the Bombay Port Trust, your Union and B.P.T. Employees' Union, as set out in this office letter No. L/GEE-6(u)/2308 dated the 9th July, 1965 and confirmed by you in your letter No. GW/P/106/65 dated the 13th July, 1965. This downgrading has no connection whatsoever with the Diesel Training Scheme as sought to be made out by you in para. 3 of your letter dated the 14th July, 1966, referred to above. The posts of Motor Engine Driver belong to 'C' cadre and the Deputy Conservator has reported that three employees eligible for promotion in this cadre have since obtained 1st Class Motor Engine Driver Certificate of competency and 3 out of the 4 posts of Motor Engine Driver, Gr. T. which were downgraded to posts of Motor Engine Driver, Grade II, are therefore likely to be revived shortly.

- 3. The allegations made by you against the employees of the Port Trust in your three letters referred to above are baseless and objectionable."
- 14. Shri R. U. Pai, Asett. Secretary, Bombay Port Trust in his reply dated 18/19th August, 1966, has informed the General Secretary, B.P.T. General Workers' Union that three employees eligible for promotion in the cadre have since obtained Ist Class Motor Engine Driver's Certificate of competency and 3 out of the 4 posts of Motor Engine Driver, Gr. I, which were downgraded to posts of Motor Engine Driver, Gr. II are therefore likely to be revived shortly. Yet the downgraded posts were not revived till 9th November, 1966. As a result of this, Shri Hassan Ahmed did not get the post of Motor Engine Driver Gr. I, though he passed the necessary examination on 28th July, 1966. The persons mentioned at S. Nos. 1 to 4 in para. 5 above were appointed as Motor Engine Drivers, Grade I. On account of this, the Union referred the dispute to the Regional Labour Commissioner (C), Bombay on 1st November, 1966, but the dispute could not be settled by discussions across the table.
- 15. On 14th February, 1967, a settlement was arrived at before the Assistant Labour Commissioner (C), Bombay-1. By the said settlement, it was agreed that the dispute should be referred to an Industrial Tribunal for adjudication under Section 10(2) of the Industrial Disputes Act. Terms of reference were also provided in the settlement.
- 16. Joint application under Section 10(2) of the Industrial Disputes Act was made to the Government by the parties on 18th March, 1967. The Government of India then made this reference to the Tribunal for adjudication.
- 17. Dr. S. Maitra, General Secretary of the Bombay Port Trust General Workers' Union, Bombay has filed written statement at Ex. 1/W. According to him;
 - (i) As required number of persons holding Ist Class Motor Engine Driver's certificate were not available to fill the two posts of 'Venu' and two posts on 'Akshaya', it was agreed between the employer and the Union that the post of Ist Class Drivers on these vessels should be downgraded and should be operated by persons holding 2nd Class Motor Engine Driver's Certificate.
 - (ii) It was further agreed that as soon as suitably qualified men will be available, the downgraded posts should be filled by persons holding the suitable qualifications of Motor Engine Driver Gr. I and the posts will immediately be restored as originally sanctioned.
 - (iii) All appointments against the posts of Diesel Engine Drivers after the removal of East Pakistani National from service had been made on the principle of filling vacancies at the relevant time when a person holding lower qualification would acquire necessary higher qualification. On the same principle several permanent posts of Drivers second class and first class had also been filled.
 - (iv) Under the rules of seniority formulated by Shri A. Das Gupta, in reference No. 5 of 1957, it has been provided that 'comparative' seniority will be considered and determined when a vacancy occurs for promotion. In the year 1965, a large number of East Paktstani Nationals had left India and at that time on account of the paucity of qualified men, several posts of Driver, Ist Class were downgraded temporarily. Accordingly, two posts of Driver, Ist Class on Pilot Vessel 'Venu' and two posts of Driver, Ist Class on 'Akshaya' were downgraded. Thereafter, whenever Motor Engine Drivers working on 'C' or 'B' cadre vessels acquire suitable qualification, they were given promotion and the posts that had been downgraded, were also simultaneously upgraded.
 - (v) Shri Hassan Ahmed had secured Ist Class Motor Engine Driver. Ist Class Certificate on 28th July, 1966. Shri Ibrahim Dawood. Shri Ismail Bahauddin, Shri Al'y Meya Hussain and Shri Hassan Cassum had secured Ist Class Motor Engine Driver Gr. I certificates on (3) 1st August, 1966, (5) 3rd August, 1966, 5th September, 1966 and 30th September, 1966 respectively.
 - (iv) Though Shri Hassan Ahmed is junior in service to other workmen referred to above, he should have been promoted to the post of Driver, 1st class on his securing competency certificate of Motor Engine Driver, 1st Class on 28th July, 1966 as this was the principle

- on which the vacancies arising out of the discharge of Pakistani Nationals had been filled.
- (vii) Shri Hassan Ahmed has a prior claim for promotion to the post of Motor Engine Driver, Grade I, in 'C' cadre vessels over the claims of S/Shri Hassan Cassum, Ibrahim Dawood, Ally Meya Hassain, Ismail Bahauddin and he should be promoted to the post of Driver, Ist Class with effect from 28th July, 1966.
- 18. Shri S. K. Shetye, General Secretary, Bombay Port Trust Employees' Union has given application on 8th December, 1969. That application is as follows:—
 - "The B.P.T. Employees' Union does not wish to file written statement of claim in this case as the written statement filed by the B.P.T. Administration covers all the grounds that the Union wanted to make. This Union fully adopts the written statement of claim filed by the B.P.T. in this matter.

The Union further requests to fix the matter for hearing only."

- 19. Shri S. D. Chittar, Secretary, Bombay Port Trust has filed written statement at Ex. 2/E. According to him;
 - (i) The employers agreed to the suggestion made by the Unions concerned that two posts of Motor Engine Driver, Grade I, on the M.P.V. 'Venu' and two posts of Motor Engine Driver. Grade I, on the M.T. 'Akshaya' for which the qualification prescribed under the Port Trust Rules is a First Class Motor Engine Driver's Certificate of competency, should be temporarily downgraded to an equivalent number of posts of Motor Engine Driver, Grade II, for which the qualification prescribed under the Port Trust Rules is Second Class Motor Engine Driver's Certificate of competency on the respective vessels.
 - (ii) The upgradation of the downgraded posts in question was left to the discretion of the employers. It was not legally incumbent upon the trustees to have appointed Diesel Engine Drivers, Grade I, on the M.P.V. 'Venu' and M.T. 'Akshaya', in addition to an Engineer-incharge on Board. It was left entirely to their discretion as to when to create the posts of Diesel Engine Driver, Grade I. In exercise of this discretion, they had decided to create the said posts of Motor Engine Drivers Grade I with effect from 9th November, 1966.
 - (iii) There was no undertaking to the effect that the posts of Motor Engine Drivers, Grade I would be restored immediately after the acquisition of the necessary qualification by the concerned employees.
 - (iv) The employers had not committed to the revival of the post of Motor Engine Driver, Gr. I with effect from the dates, the Drivers concerned acquired Ist Class Motor Engine Driver, certificate of competency.
 - (v) A post of Motor Engine Driver, Gr. I was not in existence on 28th July. 1966. The posts in fact were created on 9th November. 1966 by the order of the Chairman. Hence Shri Hassan Ahmed could not be promoted to the post of Motor Engine Driver, Gr. I on 28th July, 1966.
 - (vi) Shri Hassan Ahmed is clearly juntor to the other 4 employees. He cannot have superior claim over the other four employees in equity and fairness.
 - (vii) As the question of promotion of Shri Hassan Ahmed is a management function, the action of the Administration cannot be interferred with by the Tribunal. The employers have not violated any binding rule in not promoting Shri Hassan Ahmed and in promoting the other four senior employees.
 - (viii) The dispute raised by the Union is not an industrial dispute at all.

 It is an individual dispute. This Tribunal cannot therefore entertain it.
 - (ix) The Union i.e. Bombay Port Trust General Workers' Union does not represent the overwhelming majority of the employees working in the Flottillas of the Deputy Conservator, Bombay Port Trust.
 - 20. Points for consideration are as follows:--
 - (i) Whether the Bombay Port Trust authorities had given assurance to upgrade the downgraded post in question before a particular date or time?

- (ii) If yes, whether Shri Hassan Ahmed has a prior claim for promotion to the post of Motor Engine Driver, Grade I in 'C' cadre vessels of the Port Department as against the claim of S/Shri Hassan Cassum, Ibrahim Dawood. Ally Meya Hassain and Ismail Bahauddin?
- (iii) To what re'ief is Shri Hassan Ahmed entitled and from what date?
- (iv) Whether the dispute in question is an industrial dispute;
- (v) Whether the reference is tenable?
- 21. My findings are as follows:-
 - (i) The Bombay Port Trust authorities had given assurance to the General Secretary of the Bombay Port Trust General Workers' Union by their letter dated 18/10th August, 1966 (copy Ex. 11/W) that 3 out cl 4 posts of Motor Engine Driver, Gr. I, which were downgraded to posts of Motor Engine Driver, Gr. II, would be shortly revived.
 - (ii) Yes.
 - (iii) Shri Hassan Ahmed is entitled to the appointment of Motor Engine Driver, Gr. I in 'C' Cadre Vessels with effect from 30th August, 1966.
 - (iv) No.
 - (v) No.

REASONS

Point No. (i)

- 22 It is common ground that the employers agreed to the suggestion made by the unions concerned that two posts of Mater Engine Driver, Grade I on the M.P.V. 'Venu' and two posts of Mater Engine Driver Grade I on the M.T. 'Akshaya' for which the qualification pre-cribed under the Port Trust rules is a First Class Motor Engine Driver's Certificate of competency should be temporarily downgraded to equivalent number of posts of Motor Engine Driver Grade, II, for which the qualification prescribed under the Port Trust Rules is a Second Class Motor Engine Driver's Certificate of competency on the respective vessels.
- 23 The reason for temporarily downgrading the four posts in question, was that persons holding a First Class Motor Engine Driver's Certificate of competency, were not available. As the downgradation of the four posts in cuestion was temporary, it can be inferred that they were to be upgraded and filled as and when the persons holding First Class Motor Engine Driver's Certificate of competency would be available.
- 24. The employers, however, contend that the upgradation of the downgraded posts was left to their discretion. It was left entirely to their discretion as to when to create posts of Dicsel Engine Driver Grade I. In exercise of this discretion they had decided to create the said posts of the Motor Engine Driver Grade I with effect from 9th November, 1966.
- 25. If the upgradation of the four downgraded posts in question would have been left to the discretion of the employers i.e. the Trustees of the Bombay Port Trust, they would not have failed to make specific mention of this in their letters (vide copies Exhibits 4/W, 8/W, and 11/W dated 27th November, 1965, 11th June, 1966 and 18/19th August, 1966 respectively) addressed to the General Secretary, Bombay Port Trust General Workers' Union, Bombay and written by Shri R. U. Pai, Asstt. See etary of the Bombay Port Trust Failure to make mention of this in these letters leads to an inference that upgradation of the four downgraded posts in question was not left to the discretion of the employers.
- 26. It appears from Ex. 11/W (a copy of letter addressed by Shri R. U Pal, Asstt. Secretary to the General Secretary, Bombay Port Trust General Workers & Union on 18/19th August, 1966) that downgrading of the 4 nosts of Moior Engine Driver Gr. I to the posts of Motor Engine Driver Gr. II on the 'Venu' and on the 'Akshaya' was in accordance with the arrangement agreed between the Bombay Port Trust and the two unions as set out in the letters No. L/GEE-G(1,) 2308 dated 9th July, 1965 and confirmed by letter GW/P·10-6/65 dated 13th July, 1965.
- 27. Letter No. L/GEE-G(u)/2308 dated 9th July, 1965 is as follow, (Ex. No. 1 to written statement Ex. 2/E, page 16 to 18).

 "To

The General Secretary,
B.P.T. General Workers' Union,
Bombay.

Dear Sir.

Arrangements in posts held by employees under notice of termination of service.

I am directed to refer to your letter No $\,\mathrm{GWU/P/10\text{-}6}$ dated the 29th June, 1965 and the discussions which the General Manager had with you on the 7th July, 1965 on the above subject

As you were informed during the discussions, the posts in 'C Cadre of the Port Department Flottilla can be filled only by persons in 'C' Cadre or by those in 'A' Cadre who have acquired the necessary competency certificates as a result of the Dicsel Training Scheme. In view, however, of the special circumstances arising out of the termination of the services of Pakistam nationals and without prejudice to the Administration's stand that the posts in 'C' Cadre can be filled only from amongst persons already in 'C' Cadre and those in 'A' Cadre who have acquired the necessary qualification under the Diesel Training Scheme, the Administration has no objection to accept your suggestion to transfer on a permanent basis four Motor Engine Drivers, Gr. II, from 'B' Cadre, who hold Ist Class Certificate of competency, to posts of Motor Engine Driver, Gr. I, in 'C' Cadre. Such transfers will be subject to the following conditions—

(1) There are 15 posts of Motor Engine Driver, Gr I in 'C' Cadre, their distribution among the different vessels being as follows—

MPV. 'Venu'	3
'Akshaya'	2
'Raja'	2
'Raman'	2
'Rudra'	2
'Rahul'	2
Weekly off for 'Raja', Raman' Rahul and 'Rudra'—	2

Eight of these posts including two out of the three posts on 'Venu', will fall vacant on the termination of the services of Pakistani nationals. One post of Driver Gr. I on the 'Venu' will continue to be held by its present incumbent, and other two posts will be temporarily downgraded to those of Motor Engine Driver, Gr. II, and will be filled from amongst Greasers in 'C' Cadre and Stokers in 'A' Cadre who hold 2nd Class Certificate, according to seniority. The two posts on the 'Akshaya' will also be temporarily downgraded to those of Motor Engine Driver, Gr. II and will be filled on the same basis as above. Out of the ten posts on the other four tugs including two posts for weekly off, six will be held by the remaining six Motor Engine Drivers, Gr. I in 'C' Cadre. The remaining four posts will be filled, on a permanent basis, by transfer of four Motor Engine Drivers, Gr. II in 'B' Cadre who hold 1st Class Motor Engine Driver's certificate according to seniority.

- (ii) The four Motor Engine Drivers from 'B' cadre who will now be transferred to 'C Cadre in accordance with (i) above, will rank junior to the seven Motor Engine Driver, Gr I in the 'C' Cadre
- (iii) Subject to what is stated in (iv) below, future vacancles in posts of Motor Engine Driver, Gr I will be filled from amongst those already in 'C' Cadre or those in 'A Cadre who may acquire 1st Class Motor Engine Driver's certificate
- (iv) Upon the transfer of the four Motor Engine Drivers Gr II, From 'B' Cadre to 'C Cadre and until those in 'C' Cadre or in 'A' Cadre acquire Ist Class Motor Engine Driver's Certificate, leave vacancies in posts of Motor Engine Driver, Gr I in 'C' Cadre which may occur will be filled by transfer of persons from 'B' Cadre who hold Ist Class Motor Engine Driver's Certificate Such transfers will be purely temporary and will not give them any right for continuance in or future appointment to posts in 'C' Cadre
- (y) There are five posts of Motor Engine Driver, Gr II, in 'C Cadre and all of them will fall vacant. These posts will be filled from amongst those already in 'C' Cadre or those in 'A' Cadre who have acquired 2nd Class Motor Engine Driver's Certificate according to seniority
- (vi) The consequential vacancies in posts of Greaser and Cleaner in 'C' Cadre will be filled from amongst those in 'A' Cadre as hitherto

As you are aware the question of filling the vacancies in 'A' Cadre was also discussed. As agreed during the discussions, these vacancies will be filled from amongst those already in 'A' Cadre. The shortage in the certificate personnel will as far as possible be met from amongst those on the laid up vessels who

hold the necessary certificate. If the shortage cannot be met from amongst Crews of laid up vessels, the position will be reviewed at that time.

I am to request you kindly to confirm that the above arrangements are acceptable to you in order to enable this office to take further action in the matter.

A copy of this letter is also being endorsed to the B.P.T. Employees' Union to enable that Union to make a similar confirmation.

Your faithfully, Sd./- R. U. PAI, Asstt. Secretary"

- 28. In the letter referred to above, it is nowhere mentioned that upgradation of the four temporarily downgraded posts in question was left to the discretion of the employers. This circumstances also negatives the defence of the Bombay Port Trust in this respect.
 - 29. Para 2(iii) of the letter referred to above is as follows:-
 - "(iii) Subject to what is stated in (iv) below, future vacancies in posts of Motor Engine Driver, Gr. I will be filled from amongst those already in 'C' Cadre or those 'A' Cadre who may acquire Ist Class Motor Engine Driver's certificate."
- 30. It appears to me from this para., when considered alongwith paras. 2(i), 2(ii) and 2(iv) in the same letter, that the temporarily downgraded 4 posts in question were to be filled from amongst those already in 'C' Cadre or those in 'A' Cadre, who may acquire 1st Class Motor Engine Driver's Certificate. It means that the four temporarily downgraded posts were to be upgraded and filled as and when qualified persons would become available. This fact also confirms the view that upgradation of the downgraded posts was not left to the discretion of the Bombay Port Trust authorities.
- 31. The employers contend that it was not legally incumbent upon them to appoint Diesel Engine Driver, Gr. I on the vessels 'Venu' and 'Akshaya' in addition to an Engineer in charge on Board.
- 32. It is common knowledge that the Engineer in charge on Board does not operate the engine. It is the driver who operates the engine. By common agreement, the four posts of Diesel Engine Driver, Gr. I, two on 'Venu' and two on 'Akshaya' were temporarily downgraded. They were to be revived and filled, when qualified persons would become available. Hence the defence of the employers that it was not legally incumbent upon them to appoint Diesel Engine Driver, Gr. I in addition to an Engineer in charge on Board is not tenable.
- 33. The employers contend that there was no understanding to the effect that post of Motor Engine Driver Gr. I would be restored immediately after the acquisition of the necessary qualification by the concerned employees. They also say in other words that they had not committed to the revival of the post of Motor Engine Driver, Gr. I with effect from the dates, the drivers concerned acquired Ist Class Motor Driver's Certificate of competency.
- 34. Shri S. K. Shetye, The General Secretary of the Bombay Port Trust Employees' Union supports the contention of the Bombay Port Trust referred to above. According to him;
 - (i) There was no understanding that downgraded posts would be upgraded, as and when the employees concerned would acquire 1st Class Certificate.
 - (ii) There was no suggestion in letters of Bombay Port Trust Workers' Union that downgraded posts should be upgraded to Ist Class Motor Engine Driver's post with effect from 28th July, 1966 as wrongly contended by the Bombay Port Trust General Workers' Union.
 - (iii) The chairman was to upgrade the post as and when necessary.
 - (iv) The management took the decision to review the position after the employees passed necessary examination.
 - (v) The promotions made by the administration after upgrading the post should be deemed fair and reasonable.
- 35. Doctor Shri Maitra for the Bombay Port Trust General Workers' Union contends that para. 2(i) and 2(iii) from the letter Ex. 1 in Ex. 2/E on page 16 dated 9th July, 1965 indicate that it was agreed by the Bombay Port Trust

authorities that four posts of Motor Engine Driver, Gr. I would be temporarily downgraded and filled in future from amongst 'C' or 'A' Cadre personnel acquiring 1st Class Motor Engine Driver's certificate. He further contends that it can not be said that there was no obligation on the administration to upgrade the posts on 'Venu' and 'Akshaya'.

- 36. If there would have been no understanding to upgrade the posts in question, on acquisition of necessary qualification by the concerned employees, the downgradation of the four posts in question would have been permanent and not temporary. The four posts in question, in that case would have been abolished. The fact that they were temporarily downgraded, as the persons with necessary qualification were not available leads to an inference that these posts were to be revived, as and when the persons holding necessary qualifications would be available.
- 37. Shri R. U. Pai, Asstt. Secretary, Bombay Port Trust has informed the General Secretary, Bombay Port Trust General Workers' Union, by his letter (copy Ex. 11/W dated 18/19th August 1970) as follows:-
 - "The posts of Motor Engine Driver belong to 'C' cadre and the Deputy Conservator has reported that three employees eligible for promo-tion in this cadre have since obtained 1st Class Motor Engine Driver's Certificate of competency and 3 out of the 4 posts of Motor Engine Driver Gr. I which were downgraded to posts of Motor Engine Driver Gr. II are therefore likely to be revived shortly."
- 38. In my opinion, the above mentioned portion from Shri Pai's letter, clearly shows that the understanding between the parties was to revive the downgraded posts, as and when qualified persons would become available to fill the posts. If this would not have been the understanding, Shri Pal would not have informed that 3 out of 4 posts of Motor Engine Driver Gr. I which were downgraded to posts of Motor Engine Driver Gr. II would be revived shortly. Moreover, by this letter, the Bombay Port Trust authorities have given assurance to the Union that they would revive 3 out of 4 posts shortly.
- 39. Relying on the letter Ex. 11/W, I hold that the Bombay Port Trust authorities had given assurance on 18/19th August, 1966 to Bombay Port Trust General Workers' Union that 3 out of 4 posts would be revived shortly. Hence my finding on point No. (i) is as mentioned above.

Point No. (ii)

In spite of the assurance given by the Bombay Port Trust on 18/19th August, 1966 by letter (copy Ex. 11/W) that 3 out of 4 posts of Motor Engine Driver Gr. I, which were downgraded to the Post of Motor Engine Driver Gr. II, were likely to be revived shortly, these posts were not revived till 9th November 1966 The Bombay Port Trust authorities upgraded the four posts in question on 9th November, 1966 i.e. after about 2 months and 21 days. Obviously there was delay on the part of the Bombay Port Trust authorities in taking necessary action.

- 41. The explanation given by the employers for not upgrading the posts in question prior to 9th November, 1966 in para 3 of the written statement Ex. 2/E is as follows:—
 - "The Employers further submit that they had not committed to the revival of the post of Motor Engine Driver, Grade I, with effect from the dates the Drivers concerned acquired the Ist Class Motor Driver Certificate of competency. Moreover, posts of Motor Engine Driver, Grade I, on 'Venu' carry a higher scale of pay of Rs. 250—10—290—15—350 than posts of Motor Engine Driver, Grade I, on other vessels which were (1) Rs 250—10—290—15—335 and (2) Rs. 205—7—240—8—280, and the question as to whether any of the Drivers who were already working as Motor Engine Drivers, Grade I, was willing to are any working as Motor Engine Drivers, Grade I, was wining to accept appointment to posts of Motor Engine Driver. Grade I on 'Venu', had to be considered. There was also the question of transferring men from posts of Motor Engine Driver, Grade I, utilised for weekly off purposes to regular posts of Motor Engine Driver, Grade I. Under the circumstances, the question of revival of posts of Motor Engine Driver, Grade I, could not be considered until after all these points have been settled." all these points have been settled...."
- 42. The two difficulties pointed out by the employers for not upgrading the posts in question prior to 9th November, 1966 are not such as could not have been solved earlier. The employers could have taken the consent of the employees

concerned for their acceptance of posts on 'Venu' long before. They claid have also kept the list of employees to be transferred to regular side ready. There was no sufficient reason for the employers to delay the upgradation of the posts in question, after they had given assurance, as mentioned in the letter Ex. 11/W dated 18/19th August, 1966.

43. If the employers would have upgraded 3 out of 4 posts short'y after 18/19th August, 1966, i.e. by the end of August, 1966, the following three persons would have been entitled to promotion as Motor Engine Driver, Gr. I as they were duly qualified by then

SI No,	1	Name				Date of appointment	Date of passing the test.
τ 2 3	Shri Ebrahim Dawood Shri Ismail Bhauddin Shri Hassan Ahmed		:	 		1-7-1948 17-5-1949 21-6-1949	1-8-1966 3-8-1966 2 8-7-1966

44. On account of delay on the part of the employers in upgrading the posts with effect from 9th November, 1966. two more persons passed the test and acquired necessary competency certificates. They are:—

SI No.	Name							Date of appointment	Date of passing the test
1 2	Shri Hassan Cassum Shri Ally Meya Hussan	:	•	<u> </u>	•	•	•	1-6-1944 13-8 -19 48	30-9-1966 5 - 9-1566

The result of this was that the Junior most Shri Hassan Ahmed did not get promotion as Motor Engine Driver, Gr. I, though he qualified himself for the same, obtaining necessary certificate on 28th July, 1966, and before Shri Hassan Cassum and Shri Ally Meya Hussain obtained necessary competency certificates.

45. Considering paras 2 (1) to (iv) in the letter No. L/GEE-G(u)/2308 dated 9th July, 1965 referred in para 27 of the judgment above, para 2 in Ex. 11/W, facts and circumstances of this case. I am of the view that Shri Hassan Ahmed has a prior claim for promotion to the post of Motor Engine Driver Gr. I in 'C' vessels of the Port Department as against the claims of Sarvashri Ilassan Cassum and Ally Meya Hussain. Hence my finding on point No. (ii) Is us above.

Point No. 3

46. On the basis that 3 posts out of 4 posts should have been upgraded by the end of August, 1966, Shri Ebrahim Dawood, Ismail Bhauddin and Halsan Ahmed would be entitled to the appointment of Motor Engine Driver Grade I in 'C' cadre vessels with effect from 30th August, 1966. Shri Hassan Ahmed is therefore entitled to the appointment of Motor Engine Driver Grade I in 'C' cadre vessels with effect from 30th August, 1966.

Point Nos. 4 and 5

- 47. Shri R. K. Shetty, Deputy Legal Adviser of the Bombay Port Trust contends that the present dispute is an individual dispute relating to the promotion of Shri Hassan Ahmed, and that it is not an industrial dispute within the meaning of Section 2(k) of the Industrial Disputes Act, 1947. Section 2(k) of the Industrial Disputes Act is as follows:—
 - "'Industrial dispute' means any dispute or difference between employers and employers or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;"
- 48. According to Shri S. K. Shetty, Deputy Legal Adviser, Bombay Port Trust;
 - (i) an industrial dispute can be raised by group of workmen or through the general body or through the Managing Committee of the Union.

- (ii) In order to prove that the dispute was not validly raised, the Bombay Port Trust wanted certain documents to be produced by the Union. as stated in para. 17 of Ex. 2/E. The Union has not produced any of these documents excepting the copy of the constitution.
- (iii) As the Union has not produced the documents in question an adverse inference is liable to be drawn. It can be inferred that the dispute raised is not an industrial dispute, but an individual dispute.
- (iv) The copy of the constitution produced by the Union clearly shows that the General Secretary of the Union or the President of the Union has no authority to raise this particular dispute.
- (v) The relevant articles of the constitution are articles Nos. 12, 19 and 27. These articles do not confer upon the General Secretary of the Union the privilege or right of raising the dispute in question or any other industrial dispute. Hence the dispute herein is an individual dispute and not an industrial dispute.
- 49. It is contended that as the reference has been made to this Tribunal by the Central Government on a joint application, under Section 10(2) of the Industrial Disputes Act, 1948, the employer waives the right to raise a preliminary objection as to the maintainability of the reference on grounds that what is referred is not industrial dispute or that there is no industrial dispute in existence or that the concerned employee is not a 'workman' as defined in Section 2(s) of the Act.
- 50. The above mentioned contention cannot be accepted. It has been laid down in the case between Standard Drum and Barrel Manufacturing Company, Bombay and its workmen (other than Clerks) reported in 1961 I, LLJ, page 131 that the application under S. 10(2) of the Act could not deprive a party of the right to raise all preliminary objections which it would have a right to raise if the reference were under S. 10(2)(d) or S. 12(5) of the Act, and it could not be contended that he agreeing to a joint application under S. 10(2) of the Indusbe contended that by agreeing to a joint application under S. 10(2) of the Industrial Disputes Act, the employer waives the right to raise a preliminary objection as to the maintainability of the reference on grounds that what is referred is not industrial dispute or that there is no industrial dispute in existence or that the concerned employee is not a workman as defined in S. 2(s) of the Act.
- 51. In view of this ruling I hold that it is open to the Bombay Port Trust to contend that the present reference is an individual dispute and not an industrial dispute.
- 52. In the present case, it is clear from the order of reference that the dispute referred to this Tribunal for adjudication is the dispute regarding Shri Hassan Ahmed's claim for promotion to the post of Motor Engine Driver, Gr. I in 'C' Cadre Vessels as against the claims of 4 others. There can be no doubt that the present dispute is an individual dispute.
- 53. An individual dispute can be an industrial dispute if on the date of reference, the dispute was taken up as supported by the union of the workmen of the employer against whom the dispute is raised by an individual workman or by an appreciable number of workmen.
- 54. In the present case, there is nothing on record to show that appreciable number of workmen have raised this dispute.
- 55. Secondly the Bomby Port Trust General Workers Union was called upon to produce number of documents as mentioned in para. 17(a) to (g), but the Union has only produced copy of its constitution and not other documents. The constitution produced on record does not show that the President or the General Secretary of the Union has been authorised to raise an industrial dispute. Inasmuch as the present dispute has not been raised by an appreciable number of employees and inasmuch as the Union has not proved that the General Secretary of the Union is authorised to raise this dispute, the present dispute regarding promotion of Shri Hassan Ahmed is an individual dispute and not an industrial dispute.
- 56. In the case between Bombay Union of Journalists and others and the "Hindu" Bombay and another reported in 1961, II, LLJ, page 436, it has been laid down as follows:-
 - "The State of Bombay referred the dispute between the management of the 'Hindu' Bombay and the workmen employed under it in regard to certain claims of one of its ex-employees under S.12(5) of the

Industrial Disputes Act for adjudication. At the relevant time the management of the 'Hindu' had nine employees at Bombay, seven on the administrative side and two journalists (excluding the one whose claims were the subject matter of reference). The dispute was espoused by the Bombay Union of Journalists of which one of the journalist employees of the 'Hindu' Bombay was a member. The Union had other journalists working in different establishments as its members. The validity of the reference was successfully challenged by the management of the 'Hindu' before the Industrial Tribunal on the ground that there was only an individual dispute which was not supported by an appreciable number of employees of the 'Hindu', Bombay.

Dismissing the appeal preferred by the Bombay Union of Journalists against the decision of the Industrial Tribunal, held:

The applicability of the Industrial Disputes Act to an individual dispute as distinguished from a dispute involving a group of workmen is excluded, unless the workmen as a body or a considerable section of them make a common cause with the individual workman."

- 57. Relying on the above mentioned ruling, I am of the view that the present dispute is an individual dispute and not an industrial dispute. Hence provisions of Industrial Disputes Act do not apply to it. This reference, therefore, is bad in law and untenable. Hence my finding on point Nos. (iv) and (v) are as above.
 - 58. In the end I pass the following order:-

ORDER

- (i) Reference is not tenable in law.
- (ii) Award is made accordingly.
- (iii) No order as to costs.

(Sd.) N. K. VANI. Presiding Officer,

Central Govt. Industrial Tribunal No. 2, Bombay.

[No. 28/31/67-LRIII/P&D.]

New Delhi, the 5th September 1970

S.O. 3057.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the management of New India Corporation, Calcutta and their workmen, which was received by the Central Government on the 26th August, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. 18 of 1970

PARTIES:

Employers in relation to the management of New India Corporation, Calcutta,

AND

Their workmen.

PRESENT:

Mr B. N. Bancrjee-Presiding Officer.

APPEARANCES;

On behalf of Employers-Sri A. K. Basu, Advocate.

On behalf of Workmen-Sri Ajit Roy Mukherjee, Bar-at-Law.

STATE: West Bengal. Industry: Port & Dock.

AWARD

By Order No. 72/8/70-P&D, dated June 5, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) referred the following industrial dispute between employers in rela-

tion to the management of New India Corporation, Calcutta, and their workmen, to this Tribunal, for adjudication, namely:

- "Whether the action of the employers of Messrs New India Corporation, Calcutta, in terminating the service of Shri Subhas Chandra Bose, Jetty Sircar, with effect from 15th January, 1970, was justified? If not, to what relief is the workman entitled?"
- 2. Subhas Chandra Bose the concerned workman was a Jetty Sircar under the employers New India Corporation, Calcutta. He was charged with misconduct on December 22, 1969 (Ex. 3), in the following language:
 - "We have to bring to your notice that you have cleared and derivered 6 bags short to the consignee out of the above mentioned consignment. In spite of our repeated verbal inquiry you failed to explain why you did not get the consignment surveyed before taking delivery. Now the consignee are claiming from us Rs. 1700/00 for the loss of their 6 Bags.
 - Further we like to add that in spite of our repeated reminder you are coming to the office at 11 A.M. and leaving at 3-30 or 4 P.M. although the office working hours are 10 A.M. to 5 P.M. Our office work much suffers due to your negligence.
 - Under the circumstances, please explain why the amount of Rs 1700/00 should not be deducted monthly from your salary and why action should not be taken against you due to your negligence of duty and disrespect to the partners of the firms. There are other employee also, but they did not give us any chance for complain in the discharge of their duty. You are to explain about your conduct within seven days from the date of issue of this notice, otherwise your services are no longer required by us."

The workman submitted his explanation in writing, on January 9, 1970 (Ex. 5), in which he denied the charges and alleged that the charges were levelled against him for the reason that the management wanted to victimise him for his trade Union activities. On receipt of the explanation the management, passed an order of dismissal upon the workman on January 13, 1970 (Ex. 4a) in the following language:

- "Re: (a) Being an experienced Sircar you should have known that the Custom Officers examine a part of the consignment only at the time of examination and not in full. Since the goods were lying in Port Commissioners Custody for three days you should have examined the goods and detected the shortage. And it was part and parcel of you duty to detect the shortage and get the consignment surveyed before the goods were fully taken delivery of and placed on the lorry.
- Re: (b) Your statement is incorrect in as much as you escorted the goods to the consignee's factory and proprietor of the factory examined the goods in your presence and found out the shortage. Such a fact was brought to our notice by the said proprietor later on. You should have detected the shortage while the goods were in Port Commissioner's custody.
- Re: (c) Though you are still a temporary hand your attendance is very much irregular all through and you have not corrected yourself in spite of our repeated requests. Your colleagues have complained against your attendance whenever there was pressure of work and they had to shoulder more work and responsibilities; your statement is not correct.
- Re: (d) The fact of your becoming a member of the "Union" came to our notice only in the first week of January 1970, before which the letter of this company dated 22nd December 1969 was issued to you and the allegation made by you is not correct. You are informed that if you do any work according to the law of the land, the company can not have any objection to that.
- It would appear from the above that your explanation dated 9th January 1970 is far from satisfactory and it is proved beyond doubt that due to your negligence and carelessness the consignce have sustained a financial loss of 1700.00 your services are not beneficial to the company and your presence is encouraging indiscipline in the company.
- "Having regard to the facts and circumstances of the case your services are terminated with effect from today, the 13th January 1970. You will however be paid one month's salary on compassionate ground."

- 3. The management filed a written statement in this reference. The following paragraph from the written statement will show that the management did not claim to have held a formal enquiry into the charges:
 - "A disciplinary case was duly instituted against him for the loss of six bags of Synthetic Rubber valued at Rs. 1,700,00, for his misconduct etc. by issuing him regular charge-sheet and extending him all the facilities to defend himself and his case. In his explanation dated 9th January 1970 he could not clear himself at all and brought some false counter allegations and concocted some false stories in his explanation. His services were terminated with effect from 13th January 1970."
- 4. On behalf of the management S.A.Q. Hashmi, a partner gave evidence. He stated in his examination-in-chief:
 - "Thereupon, we addressed a chargesheet to S. C. Bose, the concerned workman, on December 22, 1969 (Ex. 3). (Shown Ex. 5). S. C. Bose replied to the chargesheet on January 9, 1970. The reply did not prove satisfactory to ourselves. Thereupon, we discharged him from service. We did not hold any formal enquiry into the charges levelled against the workman. Ours is a very small firm. We do things in an informal fashion and we acted without understanding the law."

Thus, the position is abundantly clear that the workman was charged with misconduct. He was called upon to explain his conduct but there was no enquiry held into the misconduct. On the allegation that his explanation was not satisfactory his services were fortbright terminated.

- 5. Mr. A. K. Basu, learned Advocate for the employers, tried to salvage the position with the argument that it was within the powers of this Tribunal to take evidence as to misconduct now and if satisfied with the misconduct pass appropriate punishment on the workman Mr. Bose is thus far right in his submission that it is within the jurisdiction of this Tribunal to take evidence as to misconduct with opportunity to the workman to rebut such evidence. But he is not right in his contention that Tribunal must always exercise such discretion in favour of the employers. In the instant case, I am not prepared to cover up the lacuna in the domestic enquiry at this stage because I do not even find the chargesheet satisfactory. I have hereinbefore set out the chargesheet in extenso. The workman appears to have been charge with negligence of duty and disrespect to the partners of the firm. No particulars of disrespect to the partners have been set out in the chargesheet I am not prepared to include late attendance as conduct disrespectful to the partners of the employer firm. Further, in the chargesheet it was not stated that it was the duty of the workman to have the consignments surveyed. Therefore, an off-hand charge of negligence of duty does not mean much. Since, in my opinion, the disciplinary proceedings were defective from the very inception it cannot be cured by permitting evidence as to misconduct at this stage.
- 6. In the view that I take, I hold that the action of the employers of Messrs New India Corporation, Calcutta, in terminating the service of Subhas Chandra Boso, Jetty Sircar, with effect from 13th January 1970, was not justified. Since the order of termination of service was not justified, the workman is entitled to be reinstated in service with full wages for the period of forced unemployment. Although of the above view, the charges alleged against the workman are not lightly to be brushed aside. Therefore, I make it clear that nothing contained in this award shall prevent the employers from charging the workman afresh for the misconduct, on the same cause of action, and proceeding against him according to law.

This is my award.

Dated. August 20, 1970.

(Sd.) B. N. BANERJEE.

Presiding Officer. [No. 72/8/70-P&D.]

New Delhi, the 10th September 1970

S.O. 3058.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the management of Messrs K. B. Jacob & Sons, Stevedores, Cochin and 12 others and their workmen, which was received by the Central Government on the 25th August, 1970.

BEFORE THE INDUSTRIAL TRIBUNAL, CHENNAI

Monday, the third day of August.

One thousand nine hundred and seventy.

PRESENT:

Thiru S. Swamikkannu, B.Sc., M.L., Industrial Tribunal.

INDUSTRIAL DISPUTE No. 41 of 1970

(In the matter of the dispute for adjudication Under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Messrs, K. B. Jacob and Sons, Stevedores, Cochin and 12 other Managements.)

Between:—

- 1. The President, Cochin Thuramugha Thozhilalı Union, Cochin-2
- 2. The President, Cochin Port Thozhilali Union, Cochin-2.
- 3. The President, Cochin Dock Labour Union, T.U. House, Cannon Shed Road, Ernakulam, Cochin-1.

A_{ND}

- 1. Messrs, K. B. Jacob & Sons, Stevedores, Cochin-1.
- 2. Messrs. Poovath Paree & Sons, Stevedores, Cochin-1.
- 3. Messrs. W.H.D' Cruz & Sons, Stevedores, Cochin-1.
- 4. Messrs. P. A. Abdul Rehiman Kutty & Sons, Stevedores, Cochin-1.
- 5. Messrs, O. P. Mammoo, Stevedores, Cochin-2.
- 6. Messrs. B. J. Khona, Stevedores, Cochin-2.
- 7. Messrs. C.V.A. Hydross & Sons, Stevedore, Cochin-2.
- 8. Messrs. New Dholera Shipping & Trading Company Ltd., Stevedores, Cochin-2.
- 9. Messrs. Paul Abrao & Sons, Stevedores. Cochin-3.
- 10. Messrs. South India Corporation (P) Ltd., Stevedores, Cochin-3.
- 11. Messrs. Achuthan Pillai & Co. Stevedores, Cochin-3.
- The Chairman, Cochin Dock Labour Board, Willingdon, Island, Cochin-3.
- The President, Administrative Body, Cochin Dock Labour Board, Willingdon Island, Cochin-3.

Reference.—Order No. 29/53/69-LWI-III/Fac II dated 25th August, 1969 of the Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment) Government of India, New Delhi.

This dispute coming on this day for final disposal upon perusing the reference and all other material papers on record and the parties having taken no steps this Tribunal made the following.

AWARD

This is a reference by the Central Government of an Industrial Dispute between the Registered Stevedores employers in relation to M/s. K. B. Jacob & Sons, Stevedores, Cochin-1 and 12 other managements and their workmen in respect of the matters specified in the schedule to the reference, referred to this Tribunal for adjudication by its Order dated 25th August, 1969. The issues referred to are as follows, as given in the schedule to the reference:—

- 1. Whether the demand of the workmen for increase in wages for days of weekly off as per the present rate i.e. Rs. 3.75 is justified? If so, at what rate and with effect from what date?
- 2. Whether the demand of the workmen for an increase in the dearness allowance is justified. If so, to what relief are the workmen entitled and with effect from what date?
- 2. All the 13 managements and the 3 Unions were served with summons for the hearing on 17th July, 1970 for filing counters and claim statements in the case. Managements 1 and 3 to 13 and Unions 1 and 2 were served on 26th June, 1970 Management No. 2 was served on 27th June, 1970 and Union No. 3 on 29th June, 1970. All the parties were absent when the case was called on 17th July, 1970.

Claim statement were not filed. None represented on behalf of either side. The case was adjourned to 3rd August, 1970 and fresh notice by registered post—acknowledgment due was ordered to the parties. All the parties were served with the notices for the hearing on 3rd August, 1970-

3. Both parties were called and they were absent. The reference is closed as no steps have been taken by either side. An award is passed accordingly.

(Sd.) S. SWAMIKKANNU, Industrial Tribunal.

Witness examined for both sides—None. Documents marked for both sides:—Nil.

[No. 29/53/LWI. III/P&D.]
AJIT CHANDRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 31st August 1970

S.O. 3059.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Hirlekar Precision Engineering Company, Western India House, Sir Pherozshah Mehta Road, Bombay-1 including its works at T. P. Road, Dadar, Bombay-28 and Veer Savarkar Nagar, Gultekdi, Poona-9 have agreed that the provisions of the Employees Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of June, 1969.

[No. 8/5/70/PF_II.]

(अम ग्रीर रोजगार विभाग)

नई दिल्ली, 31 घ्रगस्त, 1970

कां आ 30 59.---यत: केन्द्रीय सरकार को यह प्रतीत होता है कि मेर्सेस, हिरलेकर प्रिमिज क इंजीनियरिंग कम्पनी, वैस्टर्न इंडिया हाउस, सर फिरोज णाह मेहता रोड, मुंबई-1 जिसमें इनके टी॰पि॰ रोड, दादर, मुंबई-18 श्रीर वीर सावरकर नगर, गुलटैक्ड़ी, पूना-9 पर स्थित कर्मशाला भी मिम्मिलित है नामक स्थान से सम्बद्ध नियोजक श्रीर कर्मचारियों को बहुसंख्या इस बात पर महमन हो गई है कि कर्मचारी भविष्य निधि श्रिधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त श्रिधिनियम के उपबन्ध उक्त स्थापन का एतद्द्वारा लागू करनी है।

यह अधिमूचना 1969 की जून के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8/5/70-पी० एफ : 2.]

S.O. 3060.—Whereas it appears to the Central Government that the employer and all the employees in relation to the establishment known as Messrs National Solvents Corporation, Devkaran Mansion, Block No. 9, Pathak Wadi, Samaldas Gandhi Marg, Bombayl-2 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtleth day of April, 1969.

[No. 8/12/70-PF.II.]

का ब्ह्रा ० 3060 -- पतः केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्भ नेशनल सोल्बेस्टस कॉ ोरेशान, देवकरन वैशान, बराह तं० 9, पाठकवाडी, सामल दास गांधी मार्ग, मंबई-2 नामक स्थारन से मस्बद निशोजक और सभी कर्मचारी इस बात पर सहसत हो गए है कि करीवारी भविष्य निश्चि स्रविवियम, 1952 (1952 का 19) के उन्नबन्ध उक्त स्थापन को लाग किए जाने चाहिए ।

स्रतः, श्रवः उक्त प्रधिनियम की धारा 1 की उत्थारा (4) द्वारा प्रदन्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार उक्त ग्राधिनियम के उपवन्ध उक्त स्थापन को एतदद्वारा लाग करती है 📫

यह अधिसूचना 1979 के श्रश्रैल के वीमर्शे दिन को प्रयत्त हुई समक्षी जाएसी।

[40 8/12/79-Woffo 2]

S.O. 3061.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Rane Brake Linings Limited, Plot No. 30, Industrial Estate, Ambattur, Post Box No. 3, Madras-58, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said act, the Central Government hereby applies the provisions of the said Act to the said establishment

This notification shall be deemed to have come into force on the first day of September, 1969.

[No. 8/34/70-PF.II.]

का ब्ह्रा व 3061.--यत: केन्द्रीय सरकार को यह प्रतीत होता है कि मेमर्स राने ब्रेक लाइनिम लिमिटेड, प्लांट मं० 30, इंडस्टीयल एस्टेट, ग्रम्बत्त्र, पोस्ट बीक्स मं० 3, मद्राम-58 नामक स्थापन से सम्बद्ध नियोजक श्रौर कर्मचारियों की बहसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि ग्रिधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लाग किए जाने चाहिए ;

श्रनः, श्रव, उक्त श्रधिनियम की धारा । की उपधारा (4) द्वारा प्रदत्त गक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त र्म्माधिनियम के उपबन्ध उक्त स्थापन को एतदुद्वारा लागु करती है।

यह ग्रधिसूचना 1969 के सितम्बर के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8/34/70-पी०एफ० 2]

S.O. 3062.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Avalon Products Private Limited, No. 1, Hayes Road, Bangalore-25 including its Factory at old Madras Road, Avalahalli have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said outself-themself. the said establishment:

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of October, 1969.

[No. 8/54/70-PF.II,]

का० आ० 3062.—यतः केन्द्रीय सरकार को यह प्रतीत होता है, कि मैसर्स एवेलान प्रोडक्ट्स प्राइवेट लिमिटेड, सं०। हैयेस रोड, बैगलूर—25, जिसमें घोल्ड मद्रास रोड ग्रवलहल्ली, का इसका कारखाना सम्मिलित है नामक स्थापन से सम्बद्ध नियोजक घोर कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि श्रिधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त, स्थापन को लागू किए जाने चाहिए।

श्रतः, श्रव, क्त अधिनियम की धारा । की उपधारा (4) द्वारा प्रदश्न शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उवपवन्ध उक्त स्थापन को एतद्द्वारा लागू करती है ।

यह अधिसूचना 1969 के अक्टूबर के इकत्तीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8/54/70-पी० एफ**० 2.**]

5.0. 3063.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Nissho-Iwai Company Limited, 2, Brabourne Road, 4th Floor, Calcutta-1 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of April, 1969.

[No. 8/88/70-PF. II(i).]

का॰ ग्रा॰ 3063.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स निस्सों-इवई कंपनी लिसटेंड, 2 ग्रवनें रोड, चौथी मंजिस, कलकत्ता—1 नामक स्थापन से सम्बद्ध नियोजक ग्रौर कर्गचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि श्रिधिनियम, 1952 (1952 का 19 के उपबन्ध उक्त स्थापन को लाग किए जाने चाहिए;

श्रतः, ग्रवः, उक्त श्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवत्त सक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त श्रधिनियम के उपबन्ध उक्त स्थापन को एतद्द्वारा लागू करती है। यह श्रधिसुचना 1969 के श्रप्रैल के तीसर्वे दिन को प्रवृत हुई समझी जाएगी।

[सं० 8/88/70 बी॰ एफ॰ 2 (i)]

S.O. 3064.—In exercise of the powers conferred by first proviso to Section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952) the Central Government, after making necessary enguly into the matter, hereby specifies, with effect from the 30th April, 1969, the establishment, known as Messrs Nissho-Iwai Company Limited, 2, Brabourne Road, 4th Floor, Calculta-1 for the purposes of the said proviso.

[No. 8/88/70-PF.II(i1).]

का ब्या 3064.— कर्म चारी भविष्य निधि श्रिधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इस विषय में श्रावश्यक जांच कर लेने के पण्चात एनद्द्वारा येसर्स निस्सों इवई कंपनी लिमिटेड, 2, बबर्न रोड, चौथी मंजिल, कलकत्ता-1 नामक स्थापन को 30 श्रप्रैल, 1969 से उक्त परन्तुक के प्रयोजनों के लिए विनिदिष्ट करती है।

S.O. 3065.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Adiyat Brothers, Theatre Matha, Trichur, Kerula have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 30th June, 1970.

[No. 8/101/70-PF.-II.]

का॰ आ॰ 3065.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मेससं श्रदियत ब्रदसं थिएटर मथा, तिचुर, केरल नामक स्थापन से सम्बद्ध नियोजक श्रीर कर्मचारियों की बहुसंख्या इस बात पर सहभत हो गई है कि कर्मचारी भविष्य निधि श्रिधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिएं ;

श्रतः, श्रवः, उक्त श्रिधिनियम की धारा 1 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त श्रिधिनियम के उपबन्ध उक्त स्थापन को एतद्द्वारा 30 जून, 1970 से लागृ करती है।

S.O. 3066.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Kalan, Nellayi Post Office, Trichur, Kerala State including sales depots have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 31st August, 1970.

[No. 8/104/70-PF.II]

का॰ आ॰ 3066.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स कलन, नेल्लयी डाकघर, तिचुर, केरल राज्य नामक स्थापन जिसमें सेल्स डिपो भी सम्मिलित हैं से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि ग्रिधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिएं;

श्रतः, श्रव, उक्त श्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त श्रधिनियम के उपबन्ध उक्त स्थापन को एतद्हारा 31 श्रगस्त, 1970 से लागू करती है।

S.O. 3067.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Albright, Morarji and Pandit Limited Piot No. F-2/3 M.I.D.C., Chemical Zone, Ambernath, District Thana including its Registered Office at Raj Mahal, 3rd Floor, 84, Veer Nariman Road, Bombay-20 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of October, 1969.

का० आ० 3067.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैंससं प्रलबाइट मोराजजी एन्ड पंडित लिमिटेड, प्लांट सं० एफ०—2/3, एम० प्राई० डी० सी०, केमिक ल जोन, प्रम्बरमाथ जिला थाना नामक स्थापन, जिसमें उसका राजमहल तीसरी मंजिल 84. बीर नरीमन रोंड, मुम्बई-20 में स्थित रिजस्ट्रीकृत कार्यालय सम्मिलिति है, से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भिषय्य निधि प्रधिनियम, 1952, (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिएं;

श्रतः, श्रम, उक्त श्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शयों का प्रयोग करते हुए केन्द्रीय सरकार उक्त ग्रधिनियम के उपबन्ध उक्त स्थापन को एतद्द्वारा लागू करती है।

यह अधिसूचना 1969 के श्रकतूबर के इकसीसवे दिन को प्रवृत्त हुई समझी जाएगी ।

[सं० 8/105/70-पी एफ०-2.]

S.O. 3068.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sri Balaji and Sons, Jehangir Building, 133, Mahatma Gandhi Roard, Fort, Bombay-1 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtleth day of November, 1969.

[No. 8/106/70-PF.II.]

का0 आ० 3068.—यतः केन्द्रीय सरकार को यह प्रतीत होना है कि मेसर्स श्री बालाजी एंड संस, जहागीर विविद्या, 133 महात्मा गांधी रोड, फोर्ट, मुंबई-1 नामक रथापन से सम्बद्ध नियोजक श्रीर कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि ग्राधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिएं;

श्रतः, श्रव उक्त श्रधिनियम की धारा 1 की उपधारा (4) द्वारा श्रदक्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त श्रधिनियम के उपबन्ध उक्त स्थापन को एतद्द्वारा लाग् करती है।

यह अधिसूचना 1969 के नवम्बर, के तीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं 8/106/70-पी ०एफ 2.]

S.O. 3069.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Interlink Traders Private Limited, 33, Interlink Industrial Estate, Caves Road, Jogeshwari, Bombay-60 including its branches known as Interlink Garments Manufacturing Department, Caves Road, Jogeshwari East, Bombay-60 and Sahakar Stores, 121 Yusuf Meherally Road, Bombay-3, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of November, 1969.

[No. 8/107/70/PF-II.]

कार्ज्यार 3069.—यत: केन्द्रीय सरकार को यह प्रतीत होता है कि मेससं इन्टर्गलक ट्रेडर्स प्राइवेट लिमिटेड, 33 इन्टर्गिक इंडस्ट्रियल एस्टेट, केन्स रोड, जोगेश्वरी, मुंबई-60 नामक स्थापन, जिसमें उसकी इन्टर्गलक गारमेंट्स सैन्य्फैक्चरिंग डिपार्टमेंट, केन्स रोड, जोगेश्वरी पूर्व, मृंबई-60 और सहकार स्टोर्न, 121यूमफ मेहरल्ली रोड, मृंबई-3 नामक शाखाएं सम्मिलित हैं, से सम्बद्ध नियोजक न्नीर कर्भचारियों की बहु संख्या इस बात पर सहमत हो गई है कि कर्भचारी भविष्य निधि श्रक्षिनियम, 1952 (1952 का 19) के उपबन्ध उनत स्थापन की लाग किए जाने चाहिए ;

म्रतः, म्रब, उक्त मिर्धानयम की धारा 1 की उपवारा (4) द्वारा भदत्तः मिक्तवों का प्रयोग करते हुए केन्द्रीय सरकार उक्त श्रीधनियम के उपबन्ध उक्त स्थापन को एतक्द्वारा लाग करती है।

यह प्रधिमूचना 1969 के नवम्बर के प्रथम दिन की प्रथम हुई समझी जाएगी।

[सं० 8/107/70-पी०एफा० 2]

S.O. 3070.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Maneesha Instruments Private Limited, A-90 M.I. D.C. Industrial Area Dombivli, District Thana have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establish-

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the

said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of

November, 1969.

[No. 8/108/70/PF.II(i).]

का०भा० 3070.--यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मेससँ मनीशा इंस्टरूमेंट्स प्राइवेट लिमिटेड, ए-90, एम० ग्राई०डी०सी० इंडस्ट्रीयल एरिया, डाम्बीव्ली, जिला थाना, नामक स्थापन से सम्बद्ध नियोजक भ्रीर कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि म्रिधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन की लागु किए जाने चाहिएं ;

म्रतः, म्रब, उक्त म्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त प्रधिनियम के उपबन्ध उक्त स्थापन को एतदद्वारा लाग करती है। यह अधिसूचना 1969 के नवम्बर के तीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8/108/70-पी०एफ०2(i)]

S.O. 3071.—In exercise of the powers conferred by first provise to Section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies, with effect from the 30th November, 1969, the establishment, known as Messrs Maneesha Instruments Private Limited, A-90, M.I.D.C. Industrial Area, Dombivli, District Thana for the purposes of the said proviso.

[No. 8/108/70-PF.II(fi).]

का ग्रा॰ 3071. कर्मचारी भविष्य निधि ग्रिधिनियम, 1952 (1952 का 19) की धार 6 के प्रथम परन्तुक द्वारा प्रतदत शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इस विषय में श्रावश्यक जांच कर लेने के पण्चात् एतद्द्वारा मेसर्स मनीशा इंस्टरुमेंटस प्राइवेट लिमिटेड, ए-90, एस० श्राई० डी० सी० इंडस्ट्रीयल एरिया, डोम्बीव्ली, जिला थाना नामक स्थापन को 30 नवम्बर, 1969 से उक्त परन्तुक के योजनों के लिए विनिर्विष्ट करती है।

(सं० 8/108/70-पी० एफ० 2 (ii)]

S.O. 3072.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Motwane Manufacturing Company Private Limited. Gyan Baug, Nasik Road, Nasik including its Registered Office at 127, Mahatma Gandhi Road, Fort, Bombay-1 have agreed that the provisions of the Employees' Provident Funds Act, 1952 19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Control Company.

section 1 of the said Act, the Central Government hereby applies the provisions of

the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1969.

[No. 8/109/70-PF_II.]

का॰ आ॰ 3.072.—--यतः केन्द्रीय सरकार को यह प्रतीत होता है कि भेसर्स मोतवानी मैन्यू फेक्चरिंग कंपनी प्राइवेट लिमिटेड, ज्ञान बाग, नासिक रोड, नासिक, नामक स्थापन, जिसमें उसका 127, महात्मा गांधी रोड, फोर्ट, मुंबई-1 में स्थित रिजस्ट्रीकृत कार्यालय भी सम्मिलत है, से सम्बद्ध नियोजक श्रौर कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि श्रिधिनयम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिएं।

द्यतः, श्रवः, उक्त श्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त श्रधिनियम के उपबन्ध उक्त स्थापन को एतव्द्वारा लागू करती है। यह श्रधिसूचना 1969 के श्रप्रेल के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

S.O. 3073.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Texspares Industries, A/9 Sri Ram Industrial Estate Behind Kohinoor Mills No. 1 and 2, 13 Katrak Road, Wadala, Bombay-31 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1968.

[No. 8/110/70-PF.II.]

का॰ आ॰ 3073.—यत: केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स टैक्सस्पेयर्स इंडस्ट्रीज ए/9 श्री राम इंडस्ट्रीयल एस्टेट कोहिनूर फिल्स नं० 1 श्रीर 2 के पीछे, 13 कतरक रोड, बडाला, मुंबई-31 नामक स्थापन से सम्बद्ध नियोजक श्रीर कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि श्रिधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिएं;

श्रतः, श्रव, उक्त श्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त श्रधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है। यह श्रधिसूचना 1968 की जनवरी के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

S.O. 3074.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Manaklal Enterprises Private Limited, Vaswani Mansions, Dinshaw Wachha Road, Bombay-20 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1969.

[No. 8/111/70-PF II.]

का० थ्रा० 3074.-यतः फेन्ब्रीय सरकार को यह प्रतीत होता है कि मैसर्स मानकलाल एंटर-प्राइजेंज प्राइवेंट लिमिटेड, वास्वानी मैन्सन्स, दिनशां वच्छा रोड, मुंबई-20 नामक स्थापन से सम्बद्ध नियोजक श्रीर कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि श्रिधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

श्रतः, श्रव, उनतं श्रिधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदक्तं शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त श्रिधिनयम के उपबन्ध उक्त स्थापन को एतद्द्वारा लागू करती है।

यह श्रधिसूचना 1969 के अप्रैल के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8/111/70-पी० एक०-2]

S.O. 3075.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Aelpe Investments, 36, Chowringhee Road, Calcutta-16 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of November, 1969.

[No. 8/112/70-PF.-II(1).]

का० ग्रा० 3075 -यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स ऐत्पे इन्वेस्टमेंट्स, 36 चौरंगी रोड, कलकता-16 नामक स्थापन से सम्बद्ध नियोजक ग्रौर कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि ग्रिधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

श्रतः, श्रव, उक्त श्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त श्रधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह श्रधिसूचना 1969 के नवस्वर के तीसवें दिन को प्रवृत्त हुई समक्षी जाएगी।

S.O. 3076.—In exercise of the powers conferred by first proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the 30th November, 1969, the establishment, known as Messrs Aelpe Investments, 36, Chowringhee Road, Calcutta-16 for the purposes of the said proviso.

[No 8/112/70-PF.-II(ii).]

का० आ० 3076.—कर्मचारी भविष्य निधि श्रिधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इस विषय में श्राध्यक जांच कर लेने के पश्चात् एतद्द्वारा मैंसर्स ऐल्प इनवेस्टमेंट्स, 36, चौरंगी रोड, कलकता-16 नामक स्थापन को 30 नवम्बर, 1969 से उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

S.O. 3077.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Amiya Sales and Industries, 19, British Indian Street, Calcutta-1 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This Notification shall be deemed to have come into force on the thirty-first day of May, 1969.

[No. 8/113/70/PF.II(i).]

का॰ आ॰ 3077,—यतः केन्द्रीय मरकार को यह प्रतीत होता है कि मेसर्क ग्रामिया सेल्स एण्ड इंडम्ट्रीज, 19, श्रिटिश इंडियन स्ट्रीट, कलकत्ता-1 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि ग्रीधनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन की लागू किए जाने चाहिए;

श्रतः, श्रव, उन्त श्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शन्तियो का प्रयोग करते हुए केन्द्रीय सरकार उन्त श्रधिनियम के उपवन्ध उन्त स्थापन को एतद्द्वारा लागू करनी है।

यह प्रधिसूचना 1669 की मई के इकत्तीसवें दिन को प्रावृत्त हुई समझी जाएगी।

S.O. 3078.—In exercise of the powers conferred by first proviso to Section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the 31st May, 1969, the establishment, known as Messis Amiya Eales and Industries, 19, British Indian Street, Calcutta-1 for the purposes of the said proviso.

[No. 8/113/70-PF.II(ii).]

कार्जार 3078 — कर्मचारी भविष्य निश्चि अधिनियम, 1952 (1952 का 19) की धारा 6 के अथम परन्तुक द्वारा प्रवत्त गांक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इस विषय में ग्रावध्यक जाच कर लेने के पश्चातू एनद्द्वारा मेसर्स अमिया सेल्स एण्ड इडस्ट्रीज, 19, ब्रिटिश इंडियन स्ट्रीट, कलकत्ता-1 नामक स्थापन को 31 मई, 1969 से उक्त परन्तुक के प्रयोजनों के लिए विनर्दिष्टि करती है।

S.O. 3079.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Pharmaceutical and Allied Machinery Company, 127 and 131, Kandivli Industrial Estate, Bombay-67 NB. have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This Notification shall be deemed to have come into force on the first day of January, 1970.

[No. 8/114/70-PF.II.]

का॰ आ॰ 3079 — यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स फार्मेस्यूटिकल एंड एलाइड मशीनरी कंपनी, 127 श्रीर 131, कंडिच्ली इंडिस्ट्रियल एस्टेट, स्ंबई—67 एन०बी० नामक स्थापन से सम्बद्ध नियोजक श्रीर कर्मचारियों की बहुमंख्याइस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि श्रिधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

श्रतः, श्रवः, उक्त श्रधिनियम की धारा 1 की उपधारा (4) द्वारा श्रदः शक्तियों काश्रयोग करते हुए केन्द्रीय सरकार उक्त श्रधिनियम के उपबन्ध उक्त स्थापन को एन द्वारा लागू करती है।

यह श्रिधसूचना 1970 की जनवरी के प्रथम दिन को प्रवृत्त हुई समझी जाए्यी।

[सं० 8/114/70-पी०एपां० 2]

S.O. 3080.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Pacwel Plastics Private Limited, 313, Jodhpur Park, Calcutta-31 including its factories at 1, Transport Depot Road, Calcutta-27 and Rajapur, 24-Parganas have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This Notification shall be deemed to have come into force on the thirtieth day of September, 1969.

[No. 8/117/70-PF.-II.]

का॰ पा॰ 3080.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैससं पैकवेल प्लास्टिक्स प्राईवेट लिमिटेड, 313, जोधपुर पार्क, कलकत्ता—31, जिसमें उसके द्रांसपोर्ट डिपो रोड, कलकत्ता—27 भीर राजापुर, 24-परगना, पर के कारखाने सम्मिलत हैं, नामक स्थापन से सम्बद्ध नियोजक भीर कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि प्रधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

श्रतः, श्रव, उक्त श्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त श्रधिनियम के उपबन्ध उक्त स्थापन को एसवृद्वारा लागू करती है।

यह प्रधिसूचना 1969 के सितम्बर के तीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[संख्या 8/117/70-पी० एफ० 2]

S.O. 3081.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Nayak and Sons, 9/5F, Munshigunj Road, Kidderpore, Calcutta-23 have agreed that the provision of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This Notification shall come into force on the thirty-first day of May, 1970.

[No. 8/121/70-PF.-II]

का० आ० 3081—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्ज नायक एण्ड सम्स 9/5 एफ, मुंशी गंज रोड, किदरपुर, कलकत्ता-23, नामक स्थापन से सम्बद्ध नियोजक श्रौर कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि ग्रिधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

श्रतः, श्रवः, उक्त श्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त श्रधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह मधिसूचना 1970 की मई के इकत्तीसवें दिन को प्रवृत्त होगी।

[सं० 8/121/70-पी० एफ०-2.]

S.O. 3082.—Whereas Messrs Jawahar Mills Ltd., Suranmangalam Post, Salem District (hereinafter called the said establishment) were granted exemption from the Employees' Provident Funds Scheme, 1952 under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952) by the Notification of the Central Provident Fund Commissioser, Employees' Provident Fund, New Delhi No. S.R.O. 3416 dated the 17th October, 1957;

And, whereas the employer in relation to the said establishment has expressed willingness to surrender the exemption voluntarily and has requested for cancellation of the said exemption;

Now, therefore, in exercise of the powers conferred by clause (a) of subsection (1) of Section 17 of the said Act, the Central Government hereby cancels, the said exemption with effect from the date of publication of this Notification in the Official Gazette.

[No. 11/12/69-PF-II.]

का • का • 3082.— यतः मेसर्सं जवाहर मिल्स लिमिटेड, सुरनमंगलम पोस्ट, जिला सलेम (जिसे इसमें इसके परचात् उक्त स्थापन कहा गया है) को कर्मचारी भविष्य निधि ग्रिधिनियम, 1952 (1952 का 19) की धारा 17 की उपधारा (1) के खण्ड (क) के ग्रधीन कर्मचारी भविष्य निधि स्कीम, 1952 से केन्द्रीय भविष्य निधि ग्रायुक्त, कर्मचारी भविष्य निधि, नई दिल्ली की ग्रिधिसूचना संख्या का • नि॰ ग्रा० 3416 तारीखा 17 ग्रक्तूबर, 1957 द्वारा छट वी गई थी;

भीर, यतः उक्त स्थापन से सम्बद्ध नियोजक ने छूट को स्थेच्छा से श्रभ्यपित करने की रजामन्दी धाभिष्यक्त की है श्रीर उक्त छूट को रह करने की प्रार्थना की है ;

अतः, अव, उक्त प्रधिनियम की धारा 17 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त पाक्तिकों का प्रकोग करते हुए केन्द्रीय सरकार ६स प्रधिसूचना के शासकीय राजपक्ष में प्रकाशन की तारीख से उक्त छूट को एतदहारा रह करती है।

[संख्य 11 1/12/69-पी० एफ 0 2.]

S.O. 3083.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby cancels, with immediate effect, the exemption granted to E.I.D. Parry Limited, Ranipet, formerly known as, East India Distilleries and Sugar Factories Ltd., Ranipet, under the said clause by the Notification of the Government of India, in the late Ministry of Labour and Employment, No. S.O. 2546, dated the 17th October, 1961.

[No. 11/16/70-PF.II.]

का॰ आ॰ 3083.—कर्मचारी भविष्य निधि श्रिधिनियम, 1952 (1952 का 19) की धारा 17 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त मिन्तियों का प्रयोग करते हुए केन्द्रीय सरकार ई॰ आई॰ डी॰ पैरी लिमिटेड, रानीपेट, जिसे पहले ईस्ट इंडिया डिस्टिल्लरीज एण्ड भूगर फैक्टरीज लिमिटेड, रानीपेट कहा जाता था, को उक्त खण्ड के अधीन भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना सं॰ का॰ आ॰ 2546, तारीख 17 श्रक्तूबर, 1961 के द्वारा दी गई छूट को तत्काल प्रभावी रूप से एतद्वारा रद्द करती है।

[सं॰ 11/16/70-पी॰ एफ॰ 2]

S.O. 3084.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952) the Central Government hereby appoints Shri A B. Basu to be an Inspector for the whole of the State of West Bengal and the Union territories of Tripura and Andaman and Nicobar Islands for the purposes of the said Act and of any Scheme made thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil field, or a controlled industry.

का० ग्रा० 8084.---कर्मचारी भविष्य निधि ग्रिधिनियम, 1970 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एसदद्वारा श्री ए० बी० बासु को उक्त प्रधिनियम के ग्रीर उसके प्रधीन बनाई गई किसी स्कीम के प्रयोजनों के लिए, केन्द्रीय सरकार के या उसके नियंत्रणाधीन स्थापन के संबंध में या किसी रेल कंपनी, महापत्तन, खान या तेल धीत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में सम्पूर्ण पश्चिम बंगाल राज्य और मंग राज्य क्षेत्रों, तिपुरा, श्रंडमान ग्रौर निकोबार द्वीप समूह के लिए निरीक्षक नियुक्त करती है।

सिं**० 17/92/66-पी० एफ ०-2.**]

New Delhi, the 1st September 1970

S.O. 3085.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Madras Management Association. 23, Nungambakkam High Road, Madras-34 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1970.

[No. 8/98/70/PF.II.]

नई दिल्ली, 1 सितम्बर, 1970

का ब्राव 3085.--यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मद्रास मेनेजमेंट एसोसिएशन, 23, नुंगम्बक्कम, हाई रोड, मद्रास-34 नामक स्थापन से सम्बद्ध नियोजक श्रीर कम-चारियों की बहसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिएं।

श्रत:, ग्रब, उक्त श्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हए केन्द्रीय सरकार उक्त ग्रधिनियम के उपबन्ध उक्त स्थापन को एतद्द्वारा लागू करती है।

यह ग्रधिसूचना 1970 की जनवरी के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं॰ 8/98/70-पी॰एफ॰ 2]

S.O. 3086.—Whereas it appears to the Central Government that the employers and the majority of the employees in relation to the establishment known as Indian Rare Earth Employees Consumer's Co-operative Stores Limited, Registered No. E-145, Udyogamandal Post Office, Alwaye, Parur Taluk (Kerala State) have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 30th September, 1970.

INo. 8/102/70-PF.II.1

कारुमार 3086.--यन: केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इंडियन रेयर अर्थस एम्पलायीज कन्ज्यूमर्स कोश्रापेरेटिय स्टोर्स लिमिटेड, रजिस्टर्ड सं० ई-145, उद्योग मण्डल डाकघर, ग्रलवाये, परूर तालुक (केरल राज्य) नामक स्थापन से मम्बद्ध नियोजक श्रौर कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि श्रिधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिएं;

भ्रतः, श्रव, उक्त भ्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त भक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त श्रधिनियम के उपबन्ध उक्त स्थापन को एतद्द्वारा 30 सितम्बर 1970 से लागू करती है।

[सं॰ 8/102/70-पी॰एफ०-2)]

New Delhi, the 3rd September 1970

S.O. 3087.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Jaipur Spinning and Weaving Mills Employees Co-operative Society Limited, Jaipur, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of August, 1969.

[No. 8(68)/70-PF.II(i).]

नई दिल्ली, 3 सितम्बर 1970

का० आ० 3087.—यत: केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स जयपुर स्पिनिंग एंड वीविंग मिल्स एम्पलायीज कोन्नापरेटिव सोसाइटी लिमिटेड, जयपुर नामक स्थापन से सम्बद्ध नियोजक ग्रौर कर्म चारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि ग्रिधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

श्रतः, श्रब, उस्त श्रधिनियम को धारा 1 की उपबारा (47 द्वारा प्रदत्त णक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त श्रधिनियम के उपबन्ध उक्त स्थापन को एतद्द्वारा लागू करती है ।

यह प्रधिसूचना 1969 के प्रगस्त के इकत्तीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं॰ 8/68/**7**0-पी॰ एफ॰-2(i)]

S.O. 3888.—In exercise of the powers conferred by first proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies that, with effect from the 31st August, 1969 section 6 of the said Act shall in its application to Messrs Jaipur Spinning and Weaving Mills, Employees Co-operative Society Limited, Jaipur be subject to the modification that for the words "six and a quarter per cent", that words "eight per cent" were substituted.

[No. 8/68/70-PF.II(fi).] DALJIT SINGH, Under Secy.

का॰ आ॰ 3088.— कर्मैचारी भविष्य निधि श्रिधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इस विषय में श्रावश्यक जांच कर लेने के पश्चात् एतद्द्वारा यह विनिदिष्ट करती है कि उक्त श्रिधिनियम की धारा 6-इकत्तीस श्रगस्त, 1969 से मैसर्स जयपुर स्पिनिंग एंड वीविंग मिल्स,एम्पलायीज काश्राप-रेटिंव सोसायटी लिमिटेड, जयपुर को लागू होने के सम्बन्ध में इस उपान्तरण के श्रध्यधीन होगी कि "सवा छह प्रति शत" शब्दों के स्थान पर "श्राठ प्रतिशत" शब्द प्रतिस्थापित किए जायं।

[सं॰ 8/68/70-पी॰ एफ॰ 2(ii)]

दलजीत सिंह, भ्रवर सचिव।

(Department of Labour and Employment)

New Delhi, the 1st September 1970

S.O. 3089.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 2) Dhanbad in the industrial dispute between the employers in relation to the management of Messrs Sapahi Mica Mines, Jhumrietlaiya and their workmen, which was received by the Central Government on the 29th August, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE No 12 of 1969

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation t_Q the management of Messrs Sapahi Mica Mines, Jhumritelaiya

AND

Their Workmen

APPEARANCES:

On behalf of the employers—Shri S. Chawdhury, Secretary to the Authorised Controller of the Mines.

On behalf of the workmen-Shri S. N. Sinha, President, Mica Labour Union.

STATE: Bihar Industry: Mica.

Dhanbad, 26th August, 1970

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Sapahi Mica Mines, Jhumritclaiya and their workmen, by its order No. 20/15/69-LR.IV dated 26th September, 1969 referred to this Tribunal under Section 10(4)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

- (1) Whether the employer in relation to the management of Messrs. Sapahi Mica Mines, Jhumritelaiya, was justified in denying 10 per cent increase in wages to both monthly rated and daily rated employees with retrospective effect from 1st January, 1968? If not, to what relief are the workmen entitled?
- (2) Whether the said employer is justified in refusing the demand of the workmen of Messrs. Sapahi Mica Mines, Jhumritelaiya for Profit Sharing Bonus as per Payment of Bonus Act to be paid to all the employees for the years 1966, 1967 and 1968? If not, to what reliefs the workmen are entitled?"
- 2. The employers and workmen filed their statement of demands. Both parties also filed rejoinders,
- 3. A few mica mines, popularly known as the Sapahi Mica Mines (hereinafter referred to as the mines for the sake of brevity) situate in the state of Bihar were, prior to 1965 owned by private owners. Due to termination of mining lease a civil litigation arose before the 1st Additional Subordinate Judge, Gaya regarding the title to statutory lease under the provisions of the Bihar Land Reforms Act, 1950 and regarding the right of direct possession of the mines. Pending the decision of the suit the District Magistrate, Gaya was appointed a Receiver and as a result he was in possession of the said mines as a receiver. By G. O. No. 4384-M dated 5th June, 1965 published in the Extraordinary Gazette of the State dated 7th June, 1965, without prejudice to the contentions pending decision in the title suit, in exercise of the powers under Section 29 of the Defence of India Act, 1962 the

mines were requisitioned by the Governor and the Chairman Bihar Mica Syndicate was directed to function as the Authorised Controller of the mines. By a resolution dated 20th September, 1968 the State Government constituted a Board of Management for the efficient working of the mine. Some changes in the constitution of the Board of Management were made by a later resolution in December, 1968. From 1966 itself there was agitation by the mica workers in Bihar State claiming better emoluments. In the year 1967 there was great industry-wise agitation of mica workers in Domehanch, Kodorma and Giridin fields at the instance of all the trade unions and a strike police dated 24th November 1967 was instance of all the trade unions and a strike notice dated 24th November, 1967 was served. But the unrest came to an end following a settlement dated 16th December, 1967, brought about at the intervention of the Regional Labour Commissioner (Central) Dhanbad. Through this strike notice the workmen demanded that all the daily and monthly rated employees should be given a flat increase of 10 per cent on their existing wages. There were other demands also, but they are not relevant to the present case. Through the above referred to settlement it was agreed by the employers of the mica mines and their workmen through the trade unions that 10 per cent increase on the existing consolidated rate (basic and dearness allowance) would be given to all the daily and monthly rated employees of the mica mines with effect from 1st January, 1968. But the mines (Sapahi Mica Mines) did not grant to their workmen any increment in terms of the above agreement. On 17th June, 1969 the Mica Labour Union served a strike notice on the Authorised Controller of the mines that unless the derived provide and the desired controller of the mines of the unions street as the derived provides and th the Authorised Controller of the mines stating that unless the demands mentioned in the notice were met with within 14 days the workmen would resort to general strike in the mines. The demands included 10 per cent increase with effect from 1st January, 1968 in terms of the settlement dated 16th December, 1967 referred to above and profit sharing bonus to all the daily and monthly rated employees from 1966. The Assistant Labour Commissioner (Central) Hazaribagh sent a notice to the Authorised Controller of the mines and to the General Secretary, Mica to the Authorised Controller of the mines and to the General Secretary, Milea Labour Union enclosing a copy of the strike notice and directed them to appear before him in the concillation proceedings on 28th June, 1969 through their duly authorised representatives with all relevant records and evidence. The Secretary to the Authorised Controller of the mines sent his comments on 27th June 1969. On 28th June, 1969 the Assistant Labour Commissioner (Central) Hazaribagh sent of the Military stating that the issues were discussed thereughly and that a report to the Ministry stating that the issues were discussed thoroughly and that the union was satisfied with the action of the management and wished not to press the matter any further. However, the workmen of the mines went on a lightning strike of one day on 8th July, 1969 followed by a strike notice dated 22nd July, 1969 from the Mica Labour Union to the Agent of the Mica mines stating that if the legal dues were not paid within 7 days the workmen of the mines go on general strike. Among others, there were demands for payment of 10 per cent increase in the wages and salaries of the daily and monthly rated workmen with effect from 1st January, 1968 in terms of the settlement dated 16th December, 1967 and profit sharing bonus as per the Payment of Bonus Act for the years 1966, 1967 and profit snaring bonus as per the rayment of Bonus Act for the years 1900, 1967 and 1968. The strike notice was follwed by actual strike from 5th August, 1969. The Labour Enforcement Officer(C) Domchanch issued notices dated 24th July, 1969 and 31st July, 1969 and held discussions with the parties, but without any result. Consequently, the Assistant Lobur Commissioner (Central) Hazarlbagh sent the failure report dated 5/6th September, 1969 to the Ministry. Hence, the Reference. These facts are not in dispute.

4. The case of the workmen is that all the employers of the mica mines in Bihar State gave 10 per cent increase in wages to all their employees with effect from 1st January, 1968, following the settlement dated 16th December, 1967, that some of the big mica mine owners in the neighbourhood of the mines started paying even more than 10 per cent increase to their employees and that, as such, the mines also in all fairness to their employees should fall in line with other private employers by allowing at least 10 per cent increase in wages to daily and monthly rated employees with effect from 1st January, 1968. According to the workmen the mines were also parties to the settlement, dated 16th December, 1967. The very fact, according to the workmen, that the management of the mines has already allowed 10 per cent increase in wages to the daily rated workmen with effect from 7th July, 1969, shows that it felt bound to implement the settlement dated 16th December, 1967. As regards payment of profit sharing bonus also the workmen relied upon the settlement, dated 16th December, 1967 and also the practice followed by other private mica owners in the neighbourhood of the mines. They have further pleaded that as a matter of fact the management of the mines accepted in principle to pay the profit sharing bonus under the Payment of Bonus Act and actually raid this bonus to some of the employees though after making some wrongful deductions. The employers have denied that they were a party to the settlement, dated 16th December, 1967 or

that they were bound to implement the settlement irrespective of what the neighbouring private mica owners did in the matter. They denied that as a matter of fact the neighbouring mica mines had ever implemented the settlement, dated 16th December, 1967 or that they were paying more wages to their workmen than what are being paid by the employers to their workmen. As regards the claim for profit sharing bonus they rely upon Section 32(4) of the Payment of Bonus Act, 1965 and contend that since the mines are departmentally worked by the Government of Bihar, the Payment of Bonus Act, 1965, is not applicable to them. If they had paid some bonus to some of the employees they had done it ex-gratia. As regards the payment of 10 per cent increase to the daily rated workmen with effect from 7th July, 1969, also their plea is that it was made ex-gratia. In short, the defence of the employers in respect of the two issues reterred for adjudication is that they, being mines worked departmentally by the Government of Bihar, are not bound by either the Payment of Bonus Act, 1965 or the settlement, dated 16th December, 1967 or the practice followed by neighbouring mica mines and as such, refusal on their part to pay 10 per cent increase in wages or profit sharing bonus for the 3 years was justified. The employers have also challenged the validity of the Reference in respect of both the issues in view of the fact that the workmen had withdrawn the strike notice, dated 17th June, 1969 and the conciliation proceedings were declared closed by the Assistant Labour Commissioner (C) by his report, dated 28th June, 1969. On 19th May, 1970, an application was submitted on behalf of the workmen that the 7 workmen who had attended the Tribunal and gave evidence as witnesses should be ordered to be treated as on duty and be paid their wages, travelling allowance and haulting allowance by the employers. The workmen were represented by Shri S. N. Sinha, President, Mica Labour Union and the employers by Shri S. Chowdhury, Secretary to the A

- 5. At the outset I should like to deal with the application of the workmen filed on 19th May, 1970. The prayer of the applicants is that the Tribunal should order that the 7 workmen who had appeared before the Tribunal as their witnesses should be treated as on duty and should be paid their wages, travelling allowance and haulting allowance by the employers. The employers denied that the application could sustain. No authority of law is cited in the application of the workmen in support of their prayer. Apparently, the prayer is under Section 11(7) of the Industrial Disputes Act, 1947. The Labour Appellate Tribunal had in some cases passed orders granting such reliefs. In Sugar Factories in Bihar their workmen, the Labour Appellate Tribunal, Patna (Vol. VIII F.J.R. 1955-56—page 57) had held that the Tribunal had power to direct under Section 11(7) of the Industrial Disputes Act, 1947 that workmen attending the proceedings before it should be treated as on duty and should be paid their wages, travelling allowance and haulting allowance. But the decision was reversed by the Supreme Court in Rohtas Sugar Ltd. v. Mazdoor Seva Sangh (1960-1—L.L.J. 567) following an earlier decision of the same Court in Punjab National Bank Ltd. v. Ram Kanwar, Industrial Tribunal, Delhi (1957-1—L.L.J. 455), No decision of the Supreme Court of a subsequent date is brought to my notice in which contrary view is expressed. Hence, the application cannot sustain. It is rejected.
- 6. The objection of the employers to the Reference is based upon the report of the Conciliation Officer to the Ministry, Ext. M13 and the minutes of conciliation proceedings, dated 28th June, 1969. Their contention is that the dispute concerning the two demands, 10 per cent increase in wages with effect from 1st January, 1968 and profit sharing bonus from 1966, were made by the workmen through the Mica Labour Union on the employers for the 1st time by the strike notice, dated 17th June, 1969, Ext. M10 and that both the demands were settled and disposed of during the conciliation proceedings held by the Assistant Labour Commissioner on 28th June, 1969, as withdrawn by the union. The strike notice dated 24th November, 1967, Ext. M1 which culminated into the settlement, dated 16th December, 1967, was not served on the employers. Ext. M10 is the 1st notice served on the employers making the two demands which are now teh two issues referred for adjudication. A copy of Ext. M10 was also forwarded to the Assistant Labour Commissioner (C) Hazaribagh. On receipt of the notice the Assistant

Labour Commissioner issued a notice, dated 23rd June, 1969, Ext. M11 to the parties to appear before him for concillation proceedings under Section 12 of the Industrial Disputes Act, 1947, in the matter of the dispute referred to in the notice, Ext. M10, on 28th June, 1969. The parties appeared before the Assistant Labour Commissioner on 28th June, 1969. A copy of the report of the Assistant Labour Commissioner, dated 28th June, 1969, submitted to the Secretary, Ministry of Labour, Employment and Rehabilitation, Government of India, New Delhi was sent to the parties through the covering letter, Ext. M13. A copy of it was also endorsed to the Chief Labour Commissioner(C), New Delhi and Regional Labour Commissioner(C), Dhanbad. The report is brief and it is extracted below:

"The General Secretary, Mica Labour Union, Jhumritalaiya, District Hazaribagh, served a strike notice on the management of Sapahi Mica Mines, P. O. and District Hazaribagh vide its letter No. 303/M/69, dated 17th June, 1969, threatening to go on strike within 14 days from the date of service of notice in case the demands of the union were not met. A copy of the union's letter is enclosed.

On receipt of the copy of the union's aforesaid letter, conciliation proceedings were fixed on 28th June, 1969. The issues were discussed thoroughly and the management's representative gave a detailed account of the steps taken by it to fulfill the demands of the union. The union was satisfied with the action of the management and wished not to press the matter any further at this stage and dropped it.

The case has thus, been closed in this office as no dispute exists."

It emerges, therefore, that the two demands contained in the strike notice, Ext. M10 and which are the same under adjudication now, were dropped by the union of the workmen and the dispute in respect of the two demands ceased to exist any more. In Punjab Distilling Industries v. Industrial Tribunal, Punjab and others (1958-11—L.L.J. 109), the Punjab High Court had occasion to deal with a similar case. At page 111 Grover, J. has observed—

"I fail to see how the analogy or the principle which underlines the withdrawal of a certain relief or a suit will not apply to these proceedings. In Burn & Co. v. their employees (1957-1—LL.J. 226), while considering the provisions of S. 19(3) and S. 19(6) of the Act, their Lordships of the Supreme Court have observed that although S. 11, Civil Procedure Code, is in terms inapplicable to industrial disputes, but the principle underlying it expressed in the maxim, 'interest reipublicae ut sit finis litium' is founded on sound public policy and is of universal application, and there are good reasons why this principle should be applicable to decisions of industrial tribunals also."

In view of this enunciation of law by the Supreme Court and followed by High Court, I have no hesitation to hold that the dispute in respect of the two issues now referred for adjudication was already withdrawn and given up by the workmen and as such they could not reagitate them. It is not even the case of the workmen that the employers had gone back upon any assurance and as such, the workmen were constrained to raise the demands once more. As I have pointed out above, the Assistant Labour Commissioner had sent his report to the Ministry on 28th June, 1969 and furnished copies of the same to the parties through his letter, Ext. M13. Without any further notice or any complaint to the Assistant Labour Commissioner or any other authority, the workmen went on a lightning strike on 8th July, 1969. A complaint in this regard was made by the employers to Shri Surja Narayan Sinha, President, Mica Labour Union on 8th July, 1969, through the letter, Ext. M14 and a copy of it was marked to the Assistant Labour Commissioner(C) Hazaribagh. On this the Assistant Labour Commissioner(C), Hazaribagh also sent a letter, Ext. M15 to Shri Surja Narayan Sinha, President, Mica Labour Union. I should like to quote 2nd and 3rd paras of the letter which are thus:

"In this connection I have to invite your attention to the conciliation proceedings held in my presence on 28th June, 1969, when all your demands were discussed threadbare and you were satisfied with the action proposed to be taken by the management to meet the legitimate demands of the workmen. You, therefore, withdrew the strike notice and the conciliation proceedings were closed in this office.

Inspite of the above, the workers at Bishnu, Bineshari and Darhi have gone on strike with effect from the 1st shift on 8th July, 1969. This is most undesirable to say the least and I hope you will use your

good offices and advise the workmen to call off the strike at once and resume duties forthwith."

It is not known whether the President of the union replied to the letter, if so, in what manner. Only a few days thereafter the Secretary, Mica Labour Union issued a fresh strike notice, Ext. M17 on 22nd July, 1969, stating that the workmen of mines would go on general strike if their dues mentioned in the notice were not paid within 7 days and the dues demanded were for increase of 10 per cent wages and salaries with effect from 1st January, 1968 and profit sharing bonus for the years 1966, 1967 and 1968. This is the notice on which conciliation proceedings having failed, the present Reference is made. For these reasons, obviously, the union could not put-forth the same demands once again and threaten to go on strike, which were already given up and withdrawn by them in the conciliation proceedings, dated 28th June, 1969, Ext. M16.

- 7. The objection of the employers has also substance in view of the provisions under Sections 18 and 19 of the Industrial Disputes Act, 1947. Under Section 18 a settlement arrived at in the course of conciliation proceedings under the Act is binding on all parties to the dispute. Under Section 19 a settlement comes into operation on such date as is agreed upon by the parties, and if no date is agreed upon, on the date on which the memorandum of settlement is signed by the parties to the dispute and it continues to be binding on the parties until the expiry of the two months from the date on which a notice in writing of an intention to terminate the settlement is given by one of the parties to the other party or parties to the settlement. In the insant case the memorandum of settlement, Ext. M16 does not mention any date from which the settlement should come into operation and as such, it has come into operation from 28th June, 1969, the date on which the settlement is signed by the parties. No party has served any notice contemplated in Section 19. Even if the strike notice dated 22nd July, 1969, Ext. M17 is considered as sufficient notice of termination of the settlement referred to in Section 19(2), the settlement was binding until the expiry of two months from the date of the strike notice, ie., till 22rd September, 1969. But the Assistant Labour Commissioner(C), Hazaribagh, completed the conciliation proceedings and submitted his failure report on 5/6th September, 1969, on the basis of which the present reference is made by the Central Government. Consequently, the settlement, Ext. M16 continued to be in operation and during operation of the settlement the workmen could not raise the same dispute again. The term 'settlement' is defined in Section 2(p) of the Act as—
 - "'Settlement' means a settlement arrived at in the course of conciliation proceeding and includes a written agreement between the employer and workmen arrived at otherwise than in the course of conciliation proceeding where such agreement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to an officer authorised in this behalf by the appropriate government and the Conciliation Officer."

In the present case the minutes of conciliation proceedings held on 28th June, 1969, Ext. M16 show that the union of the workmen had withdrawn their demands leaving no more dispute. Thus, the dispute was settled. The settlement was in writing and it was signed by the parties. A copy of the settlement, Ext. M13 was sent to the Secretary to the Government of India, Ministry of Labour, Employment and Rehabilitation. The settlement, Ext. M16 satisfies substantially Form H mentioned in Rule 58 of the Industrial Disputes (Central) Rules, 1987. For these reasons I find force in the objection of the employers that the Central Government was not correct in making the reference for adjudication of the dispute which was already settled.

8. First issue of the reference relates to the demand for payment of 10 per cent increase in wages to monthly and daily rated workmen with effect from 1st January, 1968. The demand is based upon a settlement, dated 16th December, 1967, said to have been arrived at during the course of conciliation proceedings and the practice followed by the neighbouring mica mines in implementation of the settlement. In their written statement the employers had categorically denied that they were a party to the said settlement and also had denied that other mica mines in the vicinity had implemented the settlement. In para 2 of their rejoinder the workmen stated that it was wrong on the part of the employers to say that the workmen were agitating for the implementation of the settlement to which the present employers were not a party. Though it is not pleaded by the workmen specifically but by implication they meant to state that the employers were a party to the settlement, dated 16th December, 1967.

The settlement, dated 16th December, 1967, is not produced by the workmen nor The settlement, dated 16th December, 1967, is not produced by the workmen nor is it marked. No signatory to the settlement is examined to show that the employers were a party to it. The notice giving rise to the settlement, dated 16th December, 1967, is Ext. M1. It is, dated 24th November, 1967. It does not appear that it was addressed to the employers. Thus, there is absolutely no evidence that the employers were a party to the alleged settlement, dated 16th December, 1967 or that they were bound by its terms, It is true that it has come in evidence that the then Agent of the employers was present during the discussion on 16th December, 1967. But, that fact by itself is of no consequence. WW.2 has admitted categorically that Shri M. N. Ram, Agent of the employers has not signed the settlement. None concerned with any of the neighbouring mica mines is examined to show that they have implemented the settlement, mica mines is examined to show that they have implemented the settlement, dated 16th December, 1967. On the contrary, an admitted document, Ext. M2 shows that one such mine, Chrestien Mica Industries Ltd., Domchanch did not pay 10 per cent increase in wages from 1st January, 1968 and as such the Central Government had referred the dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947 to the Central Government Industrial Tribunal (No. 2). Dhanbad. As against this material vague oral evidence of a few workmen of the mines cannot be of any avail. WW.7 goes to the extent of denying that Chrestien Mica Industries Ltd., Domchanch were not giving 10 per cent increase from 1st January, 1968. It is true that the employers have given 10 per cent increase in wages to the daily rated workmen with effect from 7th July, 1969. It is an ex-gratia payment and on this voluntary act the employers cannot be compelled legally to implement a settlement to which they were not a party or forced to pay 10 per cent increase in salary to the monthly paid employees also. I am pointed out that in the joint discussion held on 31st July, 1969 and 4th August, 1969, Shri J. Prasad, Agent of the employers had agreed that the employers would pay the arrears of 10 per cent increase in wages to all the daily rated workmen with effect from 1st January, 1968. The minutes of the discussion are Ext. W.12. Shri J. Prasad is examined as MW.1. He has proved Exts. M29 to M31. It is argued for the employers that Shri J. Prasad had made this commitment without authority and that he had clarified it soon after by his letter, Ext. M29, dated 7th August, 1969. I fail to understand how Shri J. Prasad could go back on the commitment made by him when he was the accrediated representative of the employers. But his act could bind the employers, provided representative of the employers. But his act could bind the employers, provided it could be done so legally. The question is, what is the nature of the minutes, Ext. W.12 and what is its legal effect. It is true that the joint discussions were held before the Labour Enforcement Officer(C), Domchanch, Having received a copy of the strike notice, dated 22nd July, 1969, Ext. M17 from the Secretary, Mica Labour Union, the Labour Enforcement Officer(C), Domchanch issued a notice to the parties, Ext. M4 on 24th July, 1969, wherein he had stated, "I shall hold discussion in the above mentioned dispute at 11 A.M. on 31st July, 1969, in my office at Karma with a view to bringing about an amicable settlement of the As per Ext. W.12 some discussions were held on 31st July, 1969 and they were adjourned to 4th August, 1969. Ext. M5 is a notice again from the same Labour Enforcement Officer, dated 31st July, 1969, requesting the parties, "to attend the discussion" on 4th August, 1969, at 11 A.M. Under Section 12 of the Industrial Disputes Act, 1947, if a settlement is arrived at between the parties. during the course of the conciliation proceedings, it is mandatory for the Conciliation Officer to send a report thereof to the appropriate Government and where no settlement is reached then also the Conciliation Officer has to send a full report setting forth the steps taken by him for ascertaining the facts and cirreport setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute. Again, we have to keep before us the definition of the term "Settlement" as provided in Section 2(p) of the Industrial Disputes Act, 1947 and also Rule 58 of the Industrial Disputes (Central) Rules, 1957. When a settlement is arrived at it is required to be drawn in Form 'H' and a copy thereof should be sent to the Central Government. In respect of the memorandum of discussion, Ext. W.12 no report had been made to the Central Government nor was it drawn in form 'H'. No mention of this memorandum of settlement in the subsequent conciliation proceedings, dated 5th August, 1969, Ext. M/18 or the failure report, Ext. M/19 is made. In Workmen of M/s Delhi Cloth & General Mills Ltd. v. Management of M/s Delhi Cloth and General Mills Ltd. [1970 (20) Fac J.R. 308] the Supreme Court has held that non-compliance with Rule 58 renders the settlement illegal. Hence, the minutes of compliance with Rule 58 renders the settlement illegal. Hence, the minutes of discussion Ext. W.12 can neither be called a settlement nor can it be enforced under law.

^{9.} As regards the second issue of the Reference, viz., the demand for profit sharing bonus to all the daily and monthly rated employees for 1966, 1967 and

1968 also the above discussion is applicable. The demand for profit sharing bonus was also made for the first time on the employers through the strike notice, Ext. M10 dated 17th October, 1969, and the dispute in that respect also was settled as withdrawn on 28th June, 1969, through the settlement, Ext. M16 and reported by the Assistant Labour Commissioner(C), Dhanbad, through his letter, Ext. M13. Subsequent discussion on 31st July, 1969 and 4th August, 1969, embodied in the minutes, Ext. W.12, and the fresh notice of strike, dated 22nd July, 1969, Ext M17 is of no legal consequence. If the neighbouring mica mines had paid the profit sharing bonus it could have had persuading effect on the employers but not legal obligation. That apart, the mines are being run departmentally by the Government of Bihar in the department of Mines and Geology. On behalf of the workmen some have deposed that the personnel of Bihar Mica Syndicate, a public undertaking and the mines are transferred from one to the other and as such the mines should also be treated as a part of the Bihar Mica Syndicate. In view of the Government notifications, Exts. M7 to M9 I cannot agree with the contention. It is obvious that the mines are being run by Government of Bihar departmentally. Section 32 of the Payment of Bonus Act (Act No. 21) of 1965 takes out some employees from being benefited by the operation of the Act. Sub-section (4) thereof relates to employees employed by an establishment engaged in any industry carried on by or under the authority of any department of the Central Government or a State Government or a local authority. The claim of the workmen made through the strike notice, dated 22nd July, 1969, Ext. M17 is for the rrofit sharing bonus as per the Payment of Bonus Act. The issue referred to also relates to the demand of Profit sharing bonus as per the Payment of Bonus Act cannot be called unjustified. Neither of the two demands of the workmen referred to for adjudication has any legal basis. The workmen also have conceded this

- 10. Shri S. N. Sinha, the learned representative of the workmen vehemently argued that it is sheer injustice on the part of the employers of the mines to refuse 10 per cent increase in the wages or salaries and profit sharing bonus for 1966, 1967 and 1968 to their daily and monthly rated workmen when they are so being paid by the neighbouring mica mines. I have already pointed out that there is no evidence that the mica mines in the vicinity are paying higher wages or have paid the profit sharing bonus as now demanded. He further urged that the mines have made huge profits and, as such should not have grudged payment of increased wages or profit sharing bonus. But he has not comeforth with the case that profits made by the mines justify the demands of the workmen. If that was the case the Reference of the Central Government would have been different calling for a different kind of enquiry altogether. Even then, the claim for profit sharing bonus could not sustain under the Payment of Bonus Act. There is no material also brought on record regarding the profits made by the mines.
- 11. I, therefore, hold that the employers in relation to the management of Messrs Sarahi Mica Mines, Jhumritelaiya, was justified in denying 10 per cent increase in wages to both monthly rated and daily rated employees with retrospective effect from 1st January, 1968 and also in refusing the demand of the workmen for profit sharing bonus as per Payment of Bonus Act to be paid to all the employees for years 1966, 1967 and 1968 and consequently, the workmen are not entitled to any relief. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO, Presiding Officer.

Central Government Industrial Tribunal (No. 2), Dhanbad.

[No. 20/15/69-LR-IV.]

New Delhi, the 3rd September 1970

S.O. 3090.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the East Bastacolla Colliery of Messrs East Bastacolla Company, Post Office Jharia, District Dhanbad, and their workmen, which was received by the Central Government on the 26th August, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

NO. 3 AT DHANBAD

REFERENCE No. 75 of 1969

PRESENT:

Shri Sachi lanand Sinha, M.A.M.L., Presiding Officer

PARTIES:

Employers in relation to East Bastacolla Colliery

AND

Their workmen

APPEARANCES:

1. For Employers.—Shri P. Burman, Advocate.

 For Workmen.—Shri H. M. Landey, Secretary, Krantikari Koyala Mazdoor Sangh.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, Dated the 17th August 1970

AWARD

The Central Government, being of opinion that an Industrial Disputes exists between the employers in relation to the East Bastacolla Colliery of Messrs East Bastacolla Colliery Company, Post Office Jharia, District Dhanbad and their workmen by its order No. 2/152/69-LR-II dated the 14th October, 1969, referred to this Tribunal under Section 10(1)(d) of the I.D. Act, 1947 the dispute relating to the matter specified in the Schedule annexed thereto. The schedule is given below:—

SCHEDULE

"Whether the management of East Bastacolla Colliery of Messrs East Bastacolla Colliery Company, Post Office Jharia, District Dhanbad, was justified in stopping Shri Rameshwar Lohar, (Chaprasi from work with effect from the 3rd May, 1969? If not, to what relief is the workmen entitled?"

This Tribunal registered the reference as Reference No. 75 of 1969.

Employers filed their written statement on the 4th December, 1969 and on behalf of the workmen Shri H. M. Landey, Secretary, Krantikari Koyala Mazdoor Sangh filed their written statement on the 23rd February, 1970.

I need not discuss individual stand of either party since in its written petition filed on behalf of the workmen before this Tribunal on the 14th August, 1970, and which has been verified by Shri H. M. Landey, Secretary, Krantikari Koyala Mazdoor Sangh and countersigned by Shri P. Burman, Advocate representing the employers, it is submitted that Shri Rameshwar Lohar, the workman concerned in the dispute had reached some understanding directly with the employers and thus informed that he is no longer interested in continuing the present dispute and this it was prayed that a 'No Dispute' award in the matter may be passed.

In view of the aforesaid fact I am of the opinion that the dispute no more exists and make a 'No Dispute' award in the matter.

This is my award. It may now be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) Sachidanand Sinha, Presiding Officer.

[No. 2/152/69-LRII.]

S.O. 3091.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Benedih Colliery of Messrs Benedih Coal Concern, Post Office Nudkhurkee, District Dhanbad, and their workmen which was received by the Central Government on the 26th August, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3 AT DHANBAD.

Reference No. 86 of 1969

PRESENT:

Shri Sachidanand Sinha, M.A. M.L.,—Presiding Officer.

PARTIES:

Employers in relation to Benedih Colliery.

AND

Their workmen

APPEARANCES:

For employers.—Shri S. K. Mukherjee.—Special Officer.

For Workmen.—Shri Lalit Burman, General Secretary, Bihar Koyala Mazdoor Sabha.

Dhanbad, Dated the 19th August 1970

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Benedih Colliery of Messrs Benedih Coal Concern, Post Office Nudkhurkee, District Dhanbad and their workmen, by its order No. 2/171/69-LRII dated the 17th November, 1969, referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947, for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The schedule is extracted below:—

SCHEDULE

"Whether the management of Benedih Colliery of Messrs Benedih Coal concern, Post Office Mudkhurkee, District Dhanbad, was justified in refusing employment to Sarvashri Kumar Chowhan, Karmalli Bhar and Ramadhar Bhar, Miners with effect from the 6th August, 1969, 17th July, 1969 and the 23rd July, 1969 respectively? If not, to what relief are these workmen entitled?"

The reference was registered as Reference No. 86 of 1969.

On behalf of the workmen, Shri Lalit Burman, General Secretary of Bihar Koyala Mazdoor Sabha filed the written statement on 30th December, 1969 and the employers filed written statement on the 19th December, 1969.

I need not discuss respective stand of either party as the dispute has been settled amicably through compromise. The Memorandum of compromise dated the 18th August, 1970, which has been verified by Shri P. K. Roy, Partner on behalf of the employers and by Shri Lalit Burman, General Secretary of the Union for and on behalf of the workmen, contains the following terms and conditions: tions:--

- 1. That the management of the Benedih Colliery hereby agree to treat the workmen concerned, namely (1) Kumar Chowhan, (2) Karmalli Bhar and (3) Ramadhar Bhar as retrenched with effect from the date of this settlement.
- 2. That the management agree to make payment of all their dues including the retrenchment compensation outstanding dues on account of the leave wages, bonus etc., and ex-gratia payment for the period of idleness involved in each case.
- 3. That the workmen hereby agree to forego their claim for reinstatement and all other claims arising out of the present dispute under adjudication.
- 4. That the total amount as per clause (2) above payable to each of the workmen concerned have been mutually computed by the parties in round figures and are shown below against each --
 - 1,850-00 Rs. (1) Kumar Chowhan Rs. 1,750-00

(2) Karmalli Bhar 1,750-00 Rs. (3) Ramadhar Bhar

5. That the management agree to make payment to the workmen immediately, and after receipt of the above payments the workmen shall have no other claim on the management.

The aforesaid terms and conditions appear to me quite reasonable and justified and hence the same are accepted. I accordingly make my award in the terms of memorandum of compromise which is enclosed herewith as Annexure 'A'.

This is my award. It may now be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) Sachidanand Sinha, Presiding Officer.

ANNEXURE "A"

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBU-NAL NO. 3. DHANBAD

REFERENCE No. 86 of 1969

PARTIES:

Employers in relation to Benedih Colliery.

dND

Their workmen

Their Workmen represented by the Bihar Koyla Mazdoor Sabha.

Joint Petition of Compromise.

The parties above-named beg to submit that they have settled the present dispute amicably on the following terms and conditions:—

- 1. That the management of the Benedih Colliery hereby agree to treat the workmen concerned, namely (1) Kumar Chowhan, (2) Karmalli Bhar and (3) Ramadhar Bhar as retrenched with effect from the date of this settlement.
- That the management agree to make payment of all their dues including the retrenchment compensation, outstanding dues on account of the leave wages, bonus etc., and ex-gratia payment for the period of idleness involved in each case.
- 3. That the workmen hereby agree to forego their claim for reinstatement and all other claims arising out of the present dispute under adjudication.
- 4. That the total amount as per Clause (2) above payable to each of the workmen concerned have been mutually computed by the parties in round figures and are shown below against each:—

(1) Kumar Chowhan

Rs. 1.850-00

(2) Karmalli Bhar

Rs. 1.750-00

(3) Ramadhar Bhar

Rs. 1.750-00

- 5. That the management agree to make payment to the workmen immediately, and after receipt of the above payments the workmen shall have no other claim on the management.
- 6. That the parties pray that the Hon'ble Tribunal may be pleased to accept the above settlement and pass an award accordingly.

(Sd.) Illegible. For the Management.

Dated 18th August, 1970.

(Sd.) Illegible. For the Workmen.

[No. 2/171/69-LRII.]

S.O. 3092.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Management of New Jemahari Khas Colliery Private Limited, Post Office Searsole Rajbari, District Burdwan and their workmen, which was received by the Central Government on the 27th August, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 14 of 1970

PARTIES:

Employers in relation to the management of New Jemahari Khas Colliery Private Limited,

AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee, Presiding Officer

APPEARANCES:

On behalf of Employers.—Sri Mohit Kumar Mukherjee, Advocate with Sri Monoj Kumar Mukherjee, Advocate.

On behalf of Workmen.—Sri B. Malkhandy, Bar-at-Law with Sri Rajinder Singh, Advocate.

STATE: West Bengal

INDUSTRY: Coal Mines

AWARD

By Order No. 6/2/70-LR.II, dated April 20, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employer in relation to the management of New Jemahari Khas Colliery Private Limited and their workmen, to this Tribunal, for adjudication, namely:

"Whether the management of New Jemahari Khas Colliery Private Limited, Post Office Searsole Rajbari, District Burdwan was justified in dismissing Shri B. P. Ghatak, Stenographer, from service with effect from the 17th September, 1969 and if not to what relief he is entitled?"

2. The case pleaded by the workman was that he was first employed by New Jemahari Khas Colliery Private Limited on February 15, 1952 as a Stenographer. Kumar K. Maliah was the Managing Director of this company. He says, in the month of October 1964, he was arbitrarily dismissed by his employer but was again reinstated in service on January 28, 1966, by the same management as a Stenographer, on a monthly salary of Rs. 286. The letter of appointment filed by the workman, which is annexed to the written statement and is also marked as Ex. A, however, does not bear out the aforesaid statement. The said letter of appointment is hereinbelow set out:

"(Ex. A)

B. G. Palace, P.O. Searsole Rajbari. Dist. Burdwan 28th January 1966

Sri B. P. Ghatak,

P.O. Searsole Rajbari

Dist. Burdwan.

You are hereby appointed as a Stenographer under me on the following emoluments:

(i) Basic Salary			$\mathbf{Rs.}$ 200
(ii) D.A.			Rs. 30
(iii) A.D.A.			Rs. 26
(lv) Special D.A.		• •	Rs. 30
	Total		Rg 286 06

Regarding other terms, the rules under my Concerns will apply.

You are to join from 1st of February 1966.

Please confirm and report yourself for duty on 1st February 1966.

(Sd.) KUMAR K. MALIAH SEARSOLE RAJ,

Ex-facie the letter shows that the workman was appointed by Kumar K. Maliah in his personal capacity. This is noteworthy.

3. Further, according to the workman, he was dismissed by the management on September 17, 1969 for insubordination and indisciplined conduct. The letter of dismissal is annexed to the written statement and is also marked as an exhibit, being Ex. C. and is set out below:

B. G. Palace P.O. Searsole Rajbari. Dist. Burdwan West Bengal

Sri B. P. Ghatak, Steno.

September 17, 1969.

You are hereby dismissed from your services with immediate effect for your gross insubordnation and indisciplined conduct. You are, therefore, requested to callect your full and final payment from the Cashier forthwith as per the statement attached which includes one month's notice pay from the date. This is as per terms of your appointment letter dated 28th January 1966.

(Sd.) D. C. Dhb,

Secretary to Kumar K. Maliah of Searsole Raj."

Ex-facie, this letter also shows that the workman was dismissed from service by Kumar K. Maliah in his personal capacity. This is worthy of notice.

4. The workman alleges that there were no charges of misconduct, in the form of a chargesheet, sent to him. He was not asked to explain his conduct No enquiry was made into the allegations of misconduct and he was abruptly dismissed in violation of all principles of natural justice. The workman also states that on September 19, 1969, he made an appeal against the order of dismissal to one of the Directors. The said potition of appeal is annexed to the written statement and also marked as Ex. 5. The materials portion of the said letter of appeal is set out below:

"B. P. Ghatak Stenographer. P.O Scarsole Rajbart.

Dt. Burdwan,

(W. Bengal). Dated: 19-9-169.

Sri Premendra Nath Maliah,

B.G. Palace.

P.O. Searsole Rajbari (Burdwan).

Dear Sir.

I refer you to your office letter, dated 17-4-1969 (enclosing an incomplete statement of my dues), addressed to me by Sri D C. Deb, Secretary to Kumar K. Maliah, dismissing me from my services with immediately effect.

Such an abrupt dismissal in these hard days without any valid grounds and proper charge sheets is not only illegal but also arbitrary and high-handed one.

As such, I request you to retrace from your wrongful action and cancel the dismissal order atonce."

Sri Premendra Nath Maliah admittedly is the son of Kumar K Maliah. The said appeal was turned down and the information was sent to the workman by D. C. Deb, Secretary to Kumar K. Maliah. In these circumstances, the workman claims reinstatement in service with back wages for the period of forced unemployment.

- 5. There was a short written statement filed on behalf of the management of New Jemahari Khas Colliery Private Limited. Two of the paragraphs of the written statement, which are material for the present purpose, are set out hereinbelow:
 - "4. That the present reference is misconceived so far as the employers are concerned in as much as at all material times there was no such employee by the name of Sri B. P. Ghatak in the rolls of the employers and as such the question of dismissing him by the management of New Jemahari Khas Colliery Private Limited does not arise.
 - 5. That enquiry reveals that Sri B. P. Ghatak was employed by Kumar Kshitipati Nath Maliah of Searsole Raj Estate as his personal stenographer where he was working as such till he was dismissed from services for gross insubordination on the 17th day of September, 1969."

On the aforesaid allegation, the management contended that the workman was not a workman under the Industrial Disputes Act not having been employed in any industrial concern, least of all in a Mine and was not entitled to any relief from this Tribunal.

- 6. Mr. Mohit Kumar Mukherjee, learned Advocate for the New Jemahari Khas Colliery Private Limited, did not examine any witness. He relied upon certain pieces of documentary evidence and his submissions are hereinbelow tabulated.
- (a) He relied in the first place on the letter of appointment (Ex. A) issued to the workman, appointing him as a Stenographer, hereinbefore set out, and also to the office copy thereof (Ex. 3) and submitted that the letter of appointment was not issued by New Jemahari Khas Colliery Private Limited but by Kumar K. Maliah of Searsole Rajbari in his personal capacity. This was abundantly clear from the body of the letter, wherein it was stated, "you are hereby appointed as a Stenographer under me.....". On the office copy of this letter the workman wrote in his own hand. "Confirmed the terms indicated above and state that I shall join on 1st February, 1966".
- (b) He relied on Ex. 1, a letter written by the workman himself to one Sri Sekharendra Chandra Basu, in which below his own signature the workman described himself as "Secretary to Kumar K. Maliah, B.A., of Searsole Raj".
- (c) He also relied on Ex. 4 and Ex. D, showing that the workman was entrusted with the personal works by Kumar K. Maliah and had little to do with official work of New Jemahari Khas Colliery Private Limited.
- (d) He laid great emphasis upon the fact that the leave applications by the workman were not addressed to the Coal Company but to Kumar Sahib and he invited my attention to one such application, which is Ex. 2. The said application is set out below:

"Vill, Jangorah 5-11-64.

Respected Kumar Saheb,

With deep regret, I beg to state that my illness, about which you were informed before, has relapsed on my arrival, for which I could not attend office on the 5th.

Judging the present condition of my health, it appears to me that perhaps I may not be able to attend office for a considerable period.

As such, I pray that you will kindly grant me the leave for three weeks from 5th of November, 1964, at the moment.

With pronams,

Bamapada."

(e) He invited my attention to a Receipt (Ex. 7) showing payment of exgratia sum of Rs. 415 to the workman on October 15, 1969, in which below the name of the workman the following words stood typed, "Ex-Steno to Kumar K. Maliah".

(f) He lastly relied on a Photostat copy of an application made by the workman to A.C.C. Vickers Babcok Limited, asking for appointment as a Stenographer, dated July 27, 1965 (Ex. 6) in which the workman described his past experience in following language:

"14. Past Experience

From	То	Name & address of employer	Designation	Salary on leaving	Reason for leaving.
15-2-52	4-11-64	Kumar K. Maliah B.G. Palace P.O. Searsole	e Steno	Rs. 300/-	Personal.
***	***	Rajbari, Dist. Burdwar	1 ***	***	••

^{7.} On the aforesaid materials, Mr. Mukherjee argued that there were sufficient documentary evidence as well as admission made by the workman himself that he was the Personal employee of Kumar K. Maliah and not an employee under New Jemahari Khas Colliery Private Limited.

8. Mr. B. Malkhandy, learned Advocate for the workman, advanced the following argument in support of the contention that the workman was really an employee under New Jemahari Khas Colliery Private Limited and not a personal employee of Kumar K. Maliah. He made little of the appointment letter issued under the signature of K. Maliah and submitted that because K. Maliah was himself the Managing Director of New Jemahari Khas Colliery Private Limited, the appointment letter was issued in that form. Further, he tried to pick holes with the following language used in the appointment letter (Ex. A is equal to Ex. 5), namely, "Regarding other terms the Rules under my Concerns will apply". Mr. Malkhandy submitted that concerns meant Industrial concerns and since the service rules of industrial concerns, in which the Kumar was interested, were made applicable to the workman, that abundantly indicated that he was an industrial workman or in other words a workman under New Jemahari Khas Colliery Private Limited. He also argued that, however, appointed the services of the concerned workman was solely utilised for the New Jemahari Khas Colliery Private Limited and that made him an industrial worker. In this context he invited my attention to a letter written by Kumar K. Maliah to the workman, dated June 1, 1961 (Ex. J), which I set out below:

"52 Rajpur Road, Dehradun, June 1. 1961.

Bama Pada

Your note dated 30-5-61 marked 'confidential.'

I am glad to note what you have stated. G.M. rang me up yesterday night and I have asked him to suspend the wagons supply for some time i.e. until my return as I wished that we may despatch on whole coal by wagons instead of by trucks but we cannot depend on one system especially due to shortage of wagons. So we should also keep on supplying coal by trucks as local sale. I hope you understand it; of course this should be kept confidentially. You may make inspection as advised by G.M. at night time to get the true picture.

Sd.

1-6-61."

In the next place, he invited my attention to the conduct of the concerned workman when he joined the other workman of New Jemahari Khas Colliery Private Limited and submitted a charter of demand to Director-in-charge (Ex. G). My attention was also invited to a certificate issued to the concerned workman by the Senior Accountant of New Jemahari Khas Colliery Private Limited on December 12, 1968, Ex. F, which I set out below:

"NEW JEMAHARI KHAS COLLIERY (PRIVATF) LTD.

Reg. Office 23 Mukhram Colliery office:—P.O. Jayke- P.O. Scarce P jbari Kanuria Road Howrah: yanagar Dt. Burdwan Burdwan/ Prone: RNG 60 Phone: 662273 Phone: ASL 2678

Dated, 12th Decr. 1968

To Whom it may Concern

Certified that Sri B. P. Ghatak of Village Searsole has been working under our Concern for a long time as Stenographer and his present salary is Rs. 400,00 per month.

(Sd.) Senior Accountant.

New Jemahari Khas Colliery (P) Ltd."

Lastly, he invited my attention to entries (Ex. H and I) in Headoffice Cash Book Volume II for the period from June 1, 1966 to August 11, 1966 of New Jemahari Khas Colliery Private Limited, which read as follows:

"10/6/61	A./C. Trust & Estate Paid Salary of Bumapada Ghatak for May' 66 by Ch. 263989	4	30 0 .co	300.00
2/7/66	A/c. Trust & Estate By Ch. 270327 paid to Baniapada Ghatak his salary for June, 66	4	400.00	400-00"

- 9. Mr. Malkhandy tried to explain away the description of the workman below his signature in Ex. 7 with the argument that those words were typed after the workman had put his signature on the Revenue Stamp. He read to me the following lines from the evidence of the workman himself. "I noticed ex-gratia payment and without noticing anything more put my signature on the Revenue stamp. I, however, definitely remember that there was nothing typed below my signature."
- 10. Or the several arguments advanced by Mr, Malkhandy, the argument that the workman was being paid out of the account of New Jemahari Khas Colliery Private Limited fund is the most serious one, which the management must meet. If the workman was not an employee under the Colliery company, there was no reason why the Colliery company must pay him his wages and enter that in the books of account. Mr. Mukherjee tried to repel this argument with the contention that Kumar K. Maliah was connected, apart from New Jemahari Khas Colliery Private Limited, with Nirsa Khas Colliery Limited, Maliah Cold Storage Rhas Searsole Collier, and Zemindari Trust property. He invited my attention to the evidence of the workman himself supporting the above fact in course of his cross-examination. He further argued that New Jemahari Khas Colliery Private Limited had some sort of lunning account with Zemindari Trust and Estate and out of that Zemindari Trust and Estate Accounts the colliery made payment to the concerned workman. There is this much of substance in the argument of Mr. Mukherjee that both the payment of salary to the concerned workman are headed "A/c. Trust and Estate". It is, however, nobody's case that the concerned workman was an employee of the Trust and Estates. Be that as it may, the entries do not go to show that the workman was not a workman under the colliery. The workman also could not properly explain the entry, he merely said, "I cannot explain why this entry is written under head 'A/c. Trust and Estate'. Whether as an employee of Kumar K. Malia he was being paid out of Trust Estate fund, of which K. Maliah might have been a trustee or the Sole Trustee. I do not know. But if the workman was not an employee under the New Jemahari Khas Colliery Private Limited, there is an emf of the matter so far as this Tribunal is concerned.
- 11. Then again, there is another aspect of the matter. The appointment letter, Ex. A shows that the workman was appointed as a Stenographer at the total wages of Rs. 286 per month. In answer to questions put by the Tribunal he said:
 - "In 1969, I used to draw a salary of Rs. 415 per month. In February, 1966, my salary was Rs. 286 but I was paid a further sum of Rs. 114 with retrospective effect from 1st February, 1966. When I rejoined in 1966 I was given increment of Rs. 114 on my representation."

The two entries in the account book relied on by the workman, namely, Exts. H & I, do not show that he was being paid Rs. 415 as wages. Ex. I shows that he was paid Rs. 300 as wages for May 1966 and Ex. H shows that he was paid Rs. 400 as wages for June, 1966. On this type of evidence, I am not prepared to accept the argument that the workman was being paid his wages as workman under New Jemahari Khas Colliery Private Limited.

- 12. I have now to consider some of the other arguments of Mr. Malkhandy. The documentary evidence weighed heavily against the workman. In the face of such evidence, the workman has an uphill battle to fight. I do not uphold Mr. Malkhandy's argument that a concern means an industrial concern. The dictionary meaning of "concern" is a business establishment. Then again, the argument of Mr. Malkhandy that the services of the workman were being utilised solely in New Jemahari Khas Colliery Private Limited derives little support from the evidence. If I refer to Ex. D, on which great reliance was placed, I find that services of the workman were being utilised in domestic works, Nirsa Khas Colliery works and also in respect of J.K.C.C. possibly meaning thereby New Jemahari Khas Colliery. Now, if the workman was in personal service of Kr. K. Malliah, it is no wonder that he was being made to serve wherever required by his master. Then again, Ex. J, the other document, does not necessarily refer to work in connection with New Jemahari Khas Colliery Limited, although it refers to coal work, but is well-known that Kumar K. Maliah was interested in more collieries them one.
- 13. The other argument of Mr. Malkhandy that because the workman joined with other workmen of New Jemahari Khas Colliery Private Limited in sending a charter of demand (Ex. G) to the management, therefore, he was a workman of the colliery itself, does not appeal to me. Ex. G in only a copy of the charter of demand. The original was not called for from the management. The receipt of this charter of demand was disputed. The workman does not possess any document showing that such a charter of demand was at all sent. All that he stated in his evidence was:
 - "We have not got any receipt showing that Ex. G was sent to the Director. This application must have been carried to the Director by a peon along with pending files."

I cannot make much of such a piece of evidence.

- 14. I am not prepared to make much of Certificate (Ex. F). The workman admitted in his evidence that he had little to do with the accountancy department. He did not satisfactorily explain why he did not obtain a certificate from Kumar Sahrb or his Secretary but was satisfied with the certificate from a humble accountant, with whom, he had little to do.
- 16. Lastly, Mr. Malkhandy submitted that D. C. Deb who conveyed the order of dismissal to the workman was the Secretary of the New Jemahari Khas Collery Private Limited and in proof of that he invited my attention to the balance-sheet and profit and loss account (Ex. 9 series), which were all signed by D. C. Deb as the Secretary. He, therefore, submitted that D. C. Deb functioned in a double capacity, namely, the Secretary of the Coal Company and also the Secretary of Kumar K. Maliah. If the letter of dismissal is signed by the Secretary of the Company, the workman must be deemed to be the employee of the Coal Company. The argument of Mr. Malkhandy is self-annihilating. Assuming for the sake of argument, which I do, that D. C. Deb was serving in a double capacity, namely, Secretary to the Company and Secretary of Kumar K. Maliah, he may have signed the letter of dismissal in his latter capacity, because the workman was a domestic employee of Kumar K. Maliah himself. I do not, therefore, make much of this argument, as well.
- 16. I am now left with the oral evidence of the workman himself. He no doubt pledged his oath that he was an employee of New Jemphari Khas Colling Private Limited. Pitted against the documentary evidence his evidence does not inspire confidence in me,
- 17. In the result, I hold that the workman B. P. Ghatak was not a workman under New Jemahari Khas Colliery Private Limited and there was no question of dismissel by the management of the Limited Company. He was the personal employee of Kumar K. Maliah of Searsole Raj and he is not entitled to any relief from this Tribunal.

This is my award.

Dated, August 18, 1970.

(Sd.) B N. BANERJEE, Presiding Officer.

[No. 6/2/70-LRII.]

S.O. 3093.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Calcutta, in the industrial dispute between

the employers in relation to the management of Bhanora Colliery of Messrs Equitable Coal Company Limited, Post Office Charanpur, District Burdwan and their workmen, which was received by the Central Government on the 26th August, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 17 of 1970

PARTIES:

Employers in relation to the management of Bhanora Colliery of Messrs Equitable Coal Company Limited,

AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri H. R. Das Gupta, Personnel Officer. On behalf of Workmen—Shri A. Singh, Vice-President.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No 6/14/70-LR.II, dated May 18, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Bhanora Colliery of Messrs Equitable Coal Company Limited and their workmen, to this Tribunal, for adjudication, namely:

- "Keeping in view the duties performed by Shri Prem Nath Vohra, Tub checker, at Bhanora Colliery of Messrs Equitable Coal Company, Limited, Post office Charanpur, District Burdwan, whether the management of the said Colliery has properly designated him and placed him in proper grade in terms of the recommendations of the Central Wage Board for Coal Industry? If not, to what relief the workman entitled and from what date?"
- 2. According to the case pleaded by the workmen, represented by Khan Mazdoor Sangh, the workman was working as a "traffic Incharge/Supervision" in the colliery since 1960 but was never designated and paid accordingly. He was, it was alleged, designated as a Tub checker and paid salary of grade III workmen in the clerical staff. The claim made on behalf of the workman was that he should have been placed in grade II fixed for clerical staff and paid accordingly since 1960. There is no dispute that in making the reference to the designation and to the grades, the workman had in mind the recommendations made by the Central Wage Board for Coal Mining Industry.
- 3. The case pleaded by the management is to be found in paragraphs 5 and 6 of the written statement, which are set out below:
 - (5) That the concerned workman has been working all along as a Tub Checker/Traffic and is designated as a Tub Checker and placed in Grade III. Like other tub-checkers his duties, require and restrict his presence in one underground district in rotational shifts for checking the movement of tubs and standard of loading. He is neither required to go to surface in connection with movement of coal tubs nor does he supervise the duties of other traffic. The concerned workman has never worked as Traffic-incharge/Supervisor for less from 1960 and the question of designating him as such or placing him in Grade II does not arise.
 - (6) That in view of the nature of job performed the workman has been rightly placed in Grade III which status has been duly accepted by him so long."
- 4. It appears from the evidence of Gouri Shankar Changder, the sole witness examined on behalf of the management, that the recommendations of the Central Wage Board for Coal Mining Industry were made effective in Bhancra colliery. Thus, I can proceed on the basis that the workman is entitled to be designated and paid according to the said recommendations.

- 5. The wokmen filed certain documents. Ex. A (which was marked by consent) is a leave application, filed by the workman in the printed form of the company, which shows that he was designated as "Ug traffic" thereby meaning Underground traffic, Exts. B and C are two certificates given by two Managers of Bhanora colliery to the concerned workman. In Ex. B the workman is described as "Surface and Underground traffic man". In Ex. C he is described as "Underground traffic man".
- 6. The management relied on one documentary evidence, namely, the Service card of the workman (Ex. 1). In the service card, the designation of the workman is shown to be "Tub checker". The designation "traffic" is an incomplete designation. It appears from Appendix VI Volume II of the Report of the Central Wage Board for Coal Mining Industry that correct designation is "Traffic-Munshi", a grade III employee. According to the same appendix a "Tub checker" (whether underground or surface tub checker) is also a grade III employee. Mr. Das Gupta, however, strongly relied on the deposition of Gouri Shankar Changder when he stated:
 - "A Tub checker is variously called either as Munshi or as 'Traffic'. But in the records only one designation is used namely that of Tub-Checker."

What I find from Appendix VI of the Report of the Wage Board, Tub checkers and Traffic-Munshis are different designations and one is not equivalent to the other. Therefore, Gouri Shankar Changder's opinion on the point does not appeal to me. If I rely on the documentary evidence the workman was a traffic-man and may just be a traffic munshi a grade III employee. There is no documentary evidence showing that he was a traffic incharge or Supervisor as alleged by the workmen in his written statement or as appearing from the deposition of the workman. One of the own witnesses of the workmen namely witness No. 2, Malik Singh, also a workman in Bhanora cohiery, deposed against the case made by the workmen. He stated in his evidence:

"Prem Nath Vohra works as traffic in the colliery. He ordinarily works in day shift. If anybody falls sick in the night shift, Vohra is sent out towork in that shift. His duty comprises of underground work. Prem Nath Vohra does not submit munshi report.

To Tribunal:

He merely does the work of a traffic Munshi,"

In cross-examination he further stated:

"At the beginning he used to work as a Pump Khalasi. That was about 14 or 15 years ago. *** There is no officer known as traffic in-charge in the colliery.

To Tribunal:

I repeat that there is no officer known as traffic in-charge in Bhanora colliery."

- 7. Thus excepting for the oral assertion of the workman himself there is nothing to show that he was working as traffic in-charge or that he was entitled to be-placed in grade II. The oral evidence is outwelghted by the documentary evidence, which he himself produced.
- 8. I have now to consider whether designated as a "Tub checker", the workman was performing the duties of traffic-in-charge and was therefore entitled to be designated as traffic in-charge and paid wages accordingly. The Report of the Wage Board, Volume II, Appendix VII, gives job description of certain categories of workmen but does not give job description of the clerical staff. As to the duties performed by the concerned workman Gouri Shankar Changder, witness for the management, state:
 - "He used to serve as Tub checker in Bhanora colliery. His duties include supervision of coal being brought from a section underground to the surface. Coal is brought up in tubs. After the tubs are unloaded at the surface, he sees that empty tubs ar returned to respective sections. Prem Nath Vohra works in a single section in a single shift. There are other tub checkers also serving in the colliery. The duties performed by Prem Nath Vohra is the same duty as performed by other tub checkers. He is not entrusted with the work of supervision over other tub checkers. ***

Cross-examination

*** The number of tubs loaded by loaders is recorded by the Tub checkers Pre Nath Vohra also records such things. If there be derailment of tubs on the surface, the information is sent by assistants on

the surface or darwans. They forward the information underground by telephonic communication. *** Prem Nath Vohra used to submit Munshi report in other words Tub checkers report."

Thus, the evidence does not go to show that he was performing the duty of a traffic incharge. Witness No. 2 for the workmen, Sri Malik Singh, as I have already observed before, thoroughly let down the workman and stated in categoric terms that the concerned workman merely did the work of a traffic man. I am thus left with the oral assertions made by the workman nimself that he used to perform the duties of a traffic-incharge. I do not feel inspired by his seif-serving evidence which is contradicted by the documentary evidence and also by his own witness.

- 9. I need notice that the workman condemned his designation as noted in his service card, Ex. 1, as piece of fabrication, after he had been induced t_0 put his signature on a blank card. I am not prepared to place reliance on a story so all bly spoken
- 10. In the result, I hold that keeping in view the duties performed by Sri Prem Nath Vohra, Tub checker, Bhanora colliery of Messrs Equitable Coal Company Limited, the management of the said colliery properly designated him and placed him in proper grade in terms of the recommendations of the Central Wage Board for Coal Mining Industry. The workman is not entitled to any relief from this Tribunal.

This is my award

Dated, August 20, 1970.

(Sd.) B. N. BANERJEE, Presiding Officer.

[No. 6/14/70-LRII]

S.O. 3094.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Bankola Colliery, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 27th August, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 19 of 1970

PARTIES:

Employers in relation to the management of Bankola Colliery
AND

Their workmen.

PRESENT:

Mr B. N. Banerjee, Presiding Officer,

APPEARANCES:

On behalf of Employers—Sri S. B. Sanyal, Advocate, On behalf of Workmen—Absent.

STATE: West Bengal

Industry: Coal Mines

AWARD

By Order No. 6/18/70-LRII, dated May 29, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred an industrial dispute between the employers in relation to the management of Bankola Colliery and their workmen, to this Tribunal, for adjudication, namely:

"Whether the action of the management of Bankola Colliery, Post Office Ukhra, District Burdwan in dismissing Shri Dinanath Harljan, loader with effect from the 23rd February, 1970 was justified If not, to what relief is he entitled?"

- 2. Both the management and the workmen filed their respective written statement. On the date of peremptory hearing, however, there was no appearance made on behalf of the workmen. Mr S. B. Sanyal. learned Advocate for the management, produced a petition containing the terms of settlement between the parties whereby it was stated that the dispute with the wo kman stood fully settled. He also had the terms proved by examining J. Sharan, Personnel Officer of the employer company.
- 3. Now that the dispute between the parties stands settled, I make an award in terms of the settlement. Let the petition of settlement containing the terms form part of this award.

(Sd.) B. N. BANERJEE, Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 19 of 1970

Employers in relation to Bankola Colliery of M/s. Burrakar Coal Co. Ltd., P. O. Ukhra District Burdwan.

AND

Their workmen represented by Khan Shramik Congress, P. O. Ukhra, District Burdwan.

The parties hereby submit that they have since mutually settled the dispute on the following terms:—

- 1. Shri Dina Nath Harijan, Loader shall be reinstated with immediate effect
- The period of idleness from the date of dismissal to the date of resumption of duty by Shri Dina Nath Harijan shall be treated as leave without pay.
- 3. That Shri Dina Nath Harijan shall be given continuity of service.
- 4. For the purpose of computation of earned leave during the year, 1970, the period of ideleness referred to above shall be treated as attendance.

In view of the above settlement, the parties hereby pray that the Hon'ble Tribunal may kindly pass an award on the aforesaid terms.

(Sd.) B. S. Azan, General Secy. Representing the employees.

22-8-70

(Sd.) S. K. SINGH.

Superintendent.

Representing the employers and duly authorised.

Witnesses:

1. (Sd.) Illegible.

22-8-70.

2. (Sd.) Illegible.

22-8-70.

Dated, Asansol, the 22nd August, 1970.

[No. 6/18/70-LRII.]

New Delhi, the 4th September 1970

S.O. 3095.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Bhuggatdih Rise Arca Colliery of Messrs Bengal Nagpur Coal Company Limited. Post Office Dhansar, District Dhanbad and their workmen, which was received by the Central Government on the 31st August, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3 AT DHANBAD.

REFERENCE No. 97 OF 1969

PRESENT:

Shri Sachidanand Sinha, M.A.H.L., Presiding Officer-

PARTIES:

Employers in relation to the management of Bhuggatdih Rise Area Colliery

Their workmen.

APPEARANCES:

For Employers-Shri R. N. Ganguly, Administrative Officer-

For workmen-Shri Raj Ballabh Prasad, Secretary, Khan Mazdoor Congress-

Dhanbad, Dated the 20th August 1970

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Bhuggatdih Rise Area Colliery of Messrs Bengal Nagpur Coal Company Limited, Post Office Dhansar, District Dhanbad, and their workmen, by its Order No. 2/74/69-LRII dated the 10th December, 1969, referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947, for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:

SCHEDULE

1. "Whether the action of the management of Bhuggatdih Rise Area Colliery of Messrs Bengal Nagpur Coal Company Limited, Post Office Dhansar, District Dhanbad, in suspanding the following workmen for the period shown against each was justified? If not, to what relief are these workmen entitled?

SI. N o.	Name	 _	 	Designation	Period of Suspension
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Shri Banku Kora Shri Ch, Mahes Mudi Shri Ojha Majhi Shri Rathu Karankar Shri Kisto Mudi Shri Kisto Mudi Shri Wibaran Mudi Shri Karan Singh Shri Jitu Singh Shri Jitu Singh Shri Bhiku Bauri Shri Gobind Kora Shri Sripati Modi Shri Ashari Mudi Shri Karma Majhi Shri Raghu Modi Shri Dilu Mahato Shri Dilu Mahato		 	Miner Do.	From 9-3-68 to 21-3-68 Do. Do. Do. Do. Do. Do. Do. From 9-3-68 to 19-3-68 From 12-3-68 to 21-3-68 From 9-3-68 to 21-3-68 11-3-68 to 21-3-68

2. Whether the action of the management of Bhuggatdih Rise Area Colliery of Messrs Bengal Nagpur Coal Company Limited, Post Office Dhansar, District Dhanbad, in rendering idle Sarvashri Jyoti Kora and Gaur Singh, Miners, with effect from the 9th March, 1968 to the 21st March, 1968 was justified? If not, to what relief are the workmen entitled?"

This Tribunal registered the reference as Reference No. 97 of 1969.

Employers filed their written statement on the 6th March, 1970 and on behalf of the workmen Shri Raj Ballabh Prasad, Secretary Khan Mazdoor Congress filed the written statement-cum-rejoinder on the 20th May, 1970.

I need not discuss respective stand of either party as the dispute has been settled amicably through compromise. The Memorandum of Settlement dated the 12th August, 1970, which has been verified by Shri S. S. Srlvastava, Manager Bhuggatdih Colhery for and on behalf of the Employers and by Shri Raj Ballabh Prasad, Secretary Khan Mazdoor Congress for and on behalf of the workmen, contains the following terms and conditions:—

- (1) That the period of suspension idleness of the workmen concerned mentioned in the Schedule of the above reference will be treated as leave without pay.
- (2) That the above terms finally resolve all disputes pending before the Hon'ble Tribunal concerning the above Reference.

The aforesaid terms and conditions appear to me quite reasonable and justified and hence the same are accepted and I make my award in the terms of Memorandum of Compromise which is enclosed herewith as Annexure 'A'.

This is my award. It may now be sent to the Central Government under Section 15 of the Industrial Disputes Act. 1947.

(Sd.) SACHIDANAND SINHA,

Presiding Officer

Central Government Industrial Tribunalcum-Labour Court (No. 3).

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 3, DHANBAD

REFLIRENCE No. 97 of 1969

Employers in relation to Bhuggatdih Rise Area Colliery

AND

Their workmen.

That without prejudice to the respective contentions of the parties, the dispute concerning the above reference have been amonably settled between the parties on the following terms and conditions:—

- (1) That the paired of suspension ideness of the working concerned mentioned in the Schedule of the above reference will be treated as leave without pay.
- (2) That the above terms maily coscive all disputes pending before the Hon'ble Tribunal concerning the above reference.

For the workmen;

For the employers:

1 (Sd.) RAJBALLABH PRASAD Secretary,

 (Sd.) S. S. SRIVASTAVA, Manager,

Khan Mazdon Congress

Bhuggatch Colliery.

Witnesses:--

- 1. (Sd) Illegible
- 2 (Sd.) Illegible

Dated 12th August, 1970

[No 2/74/69-LRII]

New Delhi, the 5th September 1970

S.O. 3096.—In pursuance of section 17 of the Industrial Disputes Act. 1947 (14 of 1947), the Central Government hereby publishes the following award of Sarvasti B L. Wadehra and Kanti Mehta, Arbitrators, in the industrial dispute between the employers in relation to the management of Hindustan Zlnc Limited. Udaipur. and their workmen, which was received by the Central Government on the 22nd August, 1970.

BEFORE SHRI B. L. WADEHRA, INDUSTRIAL RELATIONS ADVISER, FERTI-LIZER CORPORATION OF INDIA LTD., AND SHRI KANTI MEHTA, GENERAL SECRETARY, INDIAN NATIONAL MINE WORKERS' FEDERATION.

Arbitration in the industrial dispute

BETWEEN

The Hindustan Zinc Limited, Udaipur (to be hereinafter known as the 'Company')

AND

Their Workmen, represented by Zawar Mines Mazdoor Sangh, Udaipur (to be hereinafter known as the Mazdoor Sangh).

PRESENT:

4182

Shri B. L. Wadehra Shri Kanti Mehta Arbitrators

Appearance for the Employers—Dr. Anand Prakash, Advocate, Supreme Court with Shri A. K. Sen Gupta, Secretary, Hindustan Zinc Limited.

Appearance for the workmen—Shri D. L. Sen Gupta, M.P. Advocate Supreme Court and Shri B. Choudhury, General Secretary, Zawar Mines Mazdoor Sangh.

STATE: Rajasthan.

INDUSTRY: Lead and Zinc Mining.

Dated at Bombay, this tenth day of August, 1970.

AWARD

By an agreement under Section 10A of the Industrial Dispute Act, 1947, hereinafter referred to as the Act, made between the Workmen represented by the Zawar Mines Mazdoor Sangh Udalpur, and the Hindustan Zinc Ltd., Udalpur, the parties above named referred to our joint arbitration the industrial dispute in respect of the following two subject matters specified below. The parties further authorised us to appoint an Umpire to resolve the points of difference, if any, between us, in which event the decision of the Umpire in respect of the points of difference, between ourselves, if any, shall be final and binding on them. The said arbitration agreement was published by Notification of the Labour Department of the Gov. of India under No. 12(15)70-LR.IV, dated 27th June, 1970.

Specific matters in dispute:-

- (i) (a) Whether the introduction of house rent at the higher rates is justified, and if so, at what rate?
 - (b) In case the house rent at the higher rates is to be payable by the workmen under the award, are they entitled to any compensation in lieu thereof? If so, the quantum of compensation payable and the form of such compensation.
 - (ii) Whether the demand of the Mazdoor Sangh for increase in minimum Dearness allowance so as to bring up the minimum wage to the level of that prevailing for the National Coal Development Corporation workers and for increase in Dearness Allowance of the workers falling in other higher slabs of wages, including introduction of 4 slabs in place of the existing 3 slabs and also the demand for increase in the rates of neutralisation, are justified? If so, what should be the revised Dearness Allowance Scheme and from what date?

It can be mentioned here that the dispute between the workers of Zinc Smelter Sangh and the Hindustan Zinc Ltd., Udaipur, and the dispute between the workers of the office establishments at Udaipur represented by the Hindus'an Zinc Kendriva Karyalaya Shramik Sangh and the Hindustan Zinc Ltd.. Udaipur have also been referred to our arbitration. Out of the issues specified above, issue No. (ii) is common in all the three references while issue No. (i) is common in the reference in respect of the workers of Zinc Smelting Plant and Zawar Mines, and there is another issue which is only concerned with a Section of workmen of Zinc Smelting Plant viz. MRMP workmen as on 31st March, 1970, who were being given a total leave of 35 days in a year as against 58 days leave in a year to all other MRMPs of the Company in its different establishments. The agreement in respect of Zinc Smelter workers represented by the Zinc Smelter Mazdoor Sangh was under Section 10B of the Industrial Disputes Rajasthan Amendment Act 1958 which has been

published by the Labour Ministry of Govt. of Rajasthan under No. F.4/70-Prathma/DYLC dated 4th May, 1970. The agreement in respect of the workers of the office establishments at Udaipur represented by the Hindustan Zmc Kendriya Karyalaya Shramik Sangh was under Section 10B of the Industrial Disputes Rajasthan Amendment Act, 1958 and has been published by the Labour Department of Govt. of Rajasthan under No. F/3/70-Prathma/DYLC, dated 20/27th April, 1970.

- 2. After notices were issued on the parties, they filed their respective written statements. The Mazdoor Sangh was directed to submit its rejoinder by 2nd July. 1970. In the meantime, an application from the Zinc Smelter Employees' Union, a rival union at the Zinc Smelter plant was received by us for making it a part yin the dispute.
- 3. The parties were directed to submit all documentary evidences with copies handed over directly to each other before the hearing of the dispute, and the hearings were held on 15th July, 1970 and 16th July, 1970 at Udalpur.
- 4. At the first hearing on 15th July, 1970, the Company reported that it had handed over the copies of documents to the Mazdoor Sangh on 8th July, 1970. The Mazdoor Sangh, however, submitted that it would only rely upon the Annexures to the statements already submitted and on published reports of various Wage Boards; other publications of the Central and State Governments etc. The parties were directed to submit their complete list of documents and copies thereof, if any, by 16th July, 1970.
- 5. In all the references, above mentioned, the parties being the same, they requested us to consolidate all the three references as one and hear them together and give a consolidated Award for convenience of the parties. The parties also requested that the copies of the Award may be sent to the Govt. of India, and Govt. of Rajasthan for publication in their respective Gazettes.
- 6. At the request of the parties to extend the time limit in respect of the references concerning the workmen of Zlnc Smelter, and the Head Office establishment at Udaipur, we extended the time to 15th August, 1970.
- 7. We decided to dispose of the application of the Zinc Smalter Employees Union for being made a party to these proceedings in respect of the references relating to the workmen of Zinc Smelter, first. This Union contended that they represent a majority of the workmen in the Zinc Smelter and more so, a category of workers, who are MRMP as on 31st March, 1970, and accordingly their representation in the matter was essential.

We permitted them to appear in one hearing, namely, on 15th July, 1970, at Udaipur, and heard their arguments, as also the arguments of the recognized Union, which is a party to these proceedings, who urged that the Zinc Smelter Employees Union should not be made a party.

We considered the matter, and particularly the following factors relevant in this case:—

- (i) that the Zinc Smeater Employees Union had made a similar representation before the Industrial Tribunal, Rajasthan, in reference No. IT-41 of 1969, and the said representation was rejected by the said Tribunal;
- (ii) that a similar matter was considered by the Jt. Labour Commissioner, Rajasthan, Shri T. C. Jain, who ultimately advised that the management may treat the Zinc Smelter Mazdoor Sangh as a recognized Union, and that if the other Union or any one else was aggrieved by the said action of the management, he or they could represent their case under the procedure laid down for the purpose;
- (iii) that the Zinc Smelter Employees Union has already represented to the State authorities concerned in the State Labour Department for verification of their membership, as also the membership of the other union to determine their representative character. The said matter has not yet been finalized by the State Govt. authorities;
- (iv) that in this reference, the sponsoring union is the Zinc Smelter Mazdoor Sangh along with Zawar Mines Mazdoor Sangh, and Hindustan Zinc Kendriya Karyalaya Shramik Sangh.

Keeping these facts and factors in view, we found it difficult to make Zinc Smelter Employees Union as a party in addition to the Union, which had sponsored the dispute

We, however, asked the Zinc Smelter Employees Union to file before us, in writing, whatever points they would like us to keep in view to protect the interests of their members, even though they would not be formally permitted to become a party. The Zinc Smelter Employees Union did so and we took their points into account.

- 8. On 16th July, 1970, we held inspection of the quarters of the workmen both at Zawar Mines and at Zinc Smelter in the presence of the representatives of the parties.
- 9. During the proceedings at Delhi on 18th and 19th July, 1970, the parties went through the documents submitted by each other and admitted the same subject to certain comments in respect of certain documents. On behalf of the Mazdoor Sangh, Shri B. P. Choudhury, General Secretary of all the three unions, was examined, while on behalf of the management Sarvshri A. K. Sen Gupta, Secretary, Hindustan Zinc Ltd., R. K. Khanna, Sr. Administrative Officer. Hindustan Copper Limited, Kheiri, A. S. Bhandari, Financial Adviser, Hindustan Zinc Limited. Udalpur, were examined.

Earlier the parties had submitted lists of their witnesses. After the above witnesses were examined, the parties decided not to lead any further evidence. The case was adjourned for 25th and 26th July, 1970, at Delhi.

- 10. During the resumed hearings on 25th and 26th July, 1970, we heard the arguments of the parties. The Company was represented by Dr. Anand Prakash, Advocate, and Shri A. K. Sen Gupta. Secretary, Hindustan Zinc Limited while the Mazdoor Sangh was represented by Shri D. L. Sen Gupta, Advocate, and Shri B. P. Choudhary, General Secretary of the Unions.
 - 11. The case of the Mazdoor Sangh in short was as follows-

Regarding Issue No. (ii)-Minimum Wage and D.A.

- (a) The workmen of Zinc Smelter, Zawar Mines and Office establishments at Udaipur were getting very very low wage and the disputes regarding revision of wage-scales increase in dearness allowance including upward revision in the rates of neutralisation etc. were referred to arbitration of Shri Salim Merchant in carly 1967. Shri Merchant, by his award dated 1st May, 1968, awarded minimum wage of Rs. 143-40 permonth at all India Consumers' Price Index No. 215 (1949=100) and also awarded some increase to higher categories of workmen which was too low when compared with the total emoluments of the similar categories of workmen in other public Sector undertakings including the Khetri Copper Project.
- (b) The minimum wage of Rs. 143-40 at All India Working Class Consumer's Price Index No. 215 (1949=100) was the subsistence wage.
- (c) The earlier award of Shri Salim Merchant was on ad hoc basis and leaned too much towards the employers in consideration of its financial capacity regardless of the minimum basic needs of the Industrial worker
- (d) The decision of the Hon'ble Supreme Court of India in the case of 'Crown Aluminium Company' to the effect that, 'an industry which cannot pay the minimum wage had no right to exist' was not followed in the carlier award or, in other words, the subsistence wage should have been awarded irrespective of the capacity to pay.
- (e) The subsistence wage, according to Mr. Justice Gajendra Gadkar, para 4.20 at page 20 of the D.A. Commission Report at 185 points (1949=100) was found to be Rs. 150/- per month and, accordingly, at 215 points as at the time of the Merchant award, it should have been Rs. 174-30
- (f) The Company, in its written statement in the earlier arbitration proceedings declared N.C.D.C. as a comparative unit, implying thereby that they were prepared to pay N.C.D.C. wages but the Arbitrator, even after accepting that the claim of the Union was justified, awarded much lower minimum wage than what was available to the lowest pald workers of N.C.D.C.
- (g) The aforesaid errors, involved questions of principle as well as errors apparent on the face of the record and, as such, on the principle laid down by the Supreme Court in the Gratuity case of French Motor Car Co, reported in 1961 II LLJ 180 and in the case of wage revision of M/s Burn & Co. Ltd., Howrah reported in 1957 I LLJ, 226, revision is called for

- (h) Further, in the last two years, there has been several Wage Boards decision in the country such as Textile Industry Wage Board, Heavy Chemicals & Fertilizer Industry Wage Board, Dock & Port Wage Board etc.'s decision as a result of which upward wage revisions have taken place. Also, the Iron & Steel Workers, as a result of recent bilateral negotiation have got an interim relief of Rs. 33 per month over what they were getting as per the Wage Boards decision and the final decision is pending further negotiation. These upward wage revisions in the country, according to the decision of the Supreme Court in the case of the Workmen of Messrs Balmer Lawrie reported in 1964 [LLJ 380 constitute change of circumstances to warrant a revision.
- (i) The union also referred to the case of Dunlop Ltd., reported in 1960 AIR (SC) 207 to show that inspite of a settlement two years before for Rethring Age 58 years, a dispute was raised and the Tribunal revised it to 60 years and the Supleme Court upneld it on ground that it was the prevailing Retiring Age in the Bombay Region. No change of circumstances nor any error of fundamental nature was sound to be necessary for any revision of the Retiring Age.
- (i) Also it was the Unions case that they had entered into a long term agreement for three years during which period the issues like revision of wage structure, dearness allowance etc. cannot be reopened and on account of the same reason the parties agreed to refer the issues to this arbitration to settle them once for all for the said period of three years. The purpose of the said long term agreement period of three years. The purpose of the said long term agreement is to maintain industrial peace in the industry is never possible if the wage in other industries goes up and the workers of this industry are paid lower wage. In this connection, the unions pointed out that the Government of India had already constituted Third Pay Commission to recommend whether the Central Government Employees should be paid need-based Minimum Wage and in all probability within a year or so, the Central Government Employees will get substantial increase in wage which is bound to create a serious discontent amongst the workers of the industry unless the serious discontent amongst the workers of the industry unless the same is taken care of by this Aroitration. The case of Khetri Copper Project Workers, also, for further increase in wage is pending arbitration who are already getting higher wage than the workers of this country.
- (k) The union also contended that the real wage of the workers here in this industry is much lower when the other fringe benefits and amenities available to the workers of other Public Sector Undertakings including Khetri Copper Project are taken into consideration. In this respect, the Union relied on the chart showing the amenities In this respect, the Union relied on the chart showing the amenities and other benefits available to the workers of Khetri Copper Project as prepared and filed by the Company. The Unions particularly drew out attention to (1) Medical facilities (2) Children Education Allowance and (3) Liveries. Further, the Unions submitted that the workers of this industry are paid 15 days basic salary as gratuity per year of scrvice when, at the lower level, the basic salaries are even less than 50 per cent of the total monthly remuneration whereas in other undertakings either basic salaries are much higher whereas in other undertakings, either basic salaries are much higher or the gratuity is paid on the total remuneration.
- (1) The Unions have also submitted that the minimum Wages as recommended by the different Wage Boards for the respective industries Chart of the Unions marked 'Revised' Annexure E' are not need Chart of the Unions marked 'Revised' Annexure 'E' are not need based minimum wages and they are virtually subsistence wage and more or less they are same, little difference arising out of the difference in the rate of linking. In paragraph 5.39 at page 87 of the Report of the Wage Board for Heavy Chemicals & Fertilizer Industries it can be found that the Wage Board calculated the need-based minimum wage to be Rs. 194-33 on the prices of 1967 for standard marking class family for the country as a whole which at 216 mints. working class family for the country as a whole which, at 215 points comes to more than Rs. 200 per month. But the Wage Board recommended only Rs. 170 per month at 209 points which comes to Rs. 174-50 per month at 215 points and, obviously, it is the same subsistence wage as per Mr. Justice Gajendragadkar at 215 point.
- (m) The Unions further argued that most of the Public Sector Undertakings are suffering huge losses but still the workers of those industries are being paid much higher wages and the respective Wage

Boards have not taken into consideration their present financial capacities while fixing the wage for these industries. The Union rened on the chart marked 'Annexure F-I' which they prepared from a Central Government Publication, viz. "A Hand Book of Information about Public Sector Enterprises". The Unions further relied on paragraph 5.43 page 88 of the Report of the Wage Board for Heavy Chemicals & Fertilizers Industries which reads as follows:

- "The economic results shown by the most of the Public Sector Enter-prises in this industry have been unsatisfactory partly because of their teething troubles in achieving production at the rated capacities, which make it difficult for them to shoulder additional wage burden. But having considered the social obligations which develove on public enterprices, particularly as model employers, it is felt that they should also fall in line with the recommendations which are generally made applicable to the industry. Further, as the public Sector Units reach the rated capacities in course of time their performance should improve.
- (n) The Unions also relied on the award of Shri B. Banerjee, Central Government Industrial Tribunal, Calcutta and a former Judge of the Calcutta High Court in the case of Messrs Licensed Measurers Association, a losing concern, reported in the Central Government Gazette dated 23rd May 1970 [Part II—Section 3—Sub-section (ii)] to show that Rs. 188 per month was found to be subsistence wage at 215 points (1949=100).
- (o) Ultimately, the Unions while pressing for all their demands for the different categories including a regrouping to introduce 4 wage groups instead of the existing 3 for the purpose of determination of dearness allowance, and retrospective operation of the award submitted that their claim of Rs. 168 as the minimum wage at 215 points and consequent increase in dearness allowance for the other categories as claimed were less than the minimum wages of N.C.D.C. by Rs. 13 per month and by Rs. 18 to Rs. 80 per month in respect of other higher categories as shown in a chart.
- (p) The Unions have also stated that the main reason for the loss suffered by the industry at this moment is the inability of the Company to run the plant will full capacity on account of shortage of concen trates and also for frequent shut downs of the Zinc Smelling Plants which should not be normally stopped more than once in a year. The Unions have submitted a list showing 44 occasions when the Roaster Plant of the Zinc Smelter was shut for more than 12 hours to even number days continuously, during the year 1969, alone, besides other shut downs numbering about 30 more for less than 12 hours in the same year. It may be mentioned in this connection that the Company also submitted a similar list for the period from Luly 1969 to Lune 1970 and both the distribute of the care a period July 1969 to June 1970 and both the lists in respect of the same period fairly tally with each other. The Unions contended that the difficulty faced by the Company is of a temporary nature and the same should not stand in the way of the workers from getting reasonable wages.

As against the above contentions of the Unions, the management Advocate, Dr. Anand Prakash contended that:

- (a) It is wrong to say that the workmen of Zawar Mines, Zinc Smelter and office establishments at Udalpur were getting very very low wages, or even low wages, as contended by the Union. In fact, the wages and amenities to the workmen in this concern both before and after the take over by the Government of India had been progressively going up at very fast rate. The wages being paid at the time of the arbitration by Shri Salim Merchant were much higher than the wages which were being paid to the workmen before the settlement of April 1960 and award of Shri P. D. Vyas. In this connection, the management relied on the various statements filed by the management in the present arbitration proceedings as well as the history of the wage structure appearing in the award by Shri Salim Merchant.
- (b) It was wrong to say that Shri Salim Merchant had awarded inadequate Increase in wages to the workmen. In fact, substantial increase in

emoluments of the workmen was given by Shri Salim Merchant—both by way of interim and final award which placed heavy financial burden on the Company.

- (e) It is wrong to say that Shri Salim Merchant had given emoluments lower than in other public sector undertakings. At any rate comparison with other public sector undertakings would be misplaced. What is to be seen is the total emoluments paid in other comparable industries in the region. Having regard to these principles, Shri Salim Merchant had given an award which gave liberal increase in wages to the workmen.
- (d) It is wrong to say that Shri Salim Merchant had given a minimum wage which was below the subistence wage. In fact, the Union had never contended before Shri Salim Merchant that the workmen were getting less than the subsistence wage. The claim of the Union before Shri Salim Merchant was based on the need-based wage which is entirely different from the minimum subsistence wage. Such a claim was rightly rejected by Shri Salim Merchant.
- (e) Shri Salim Merchant had not given his award on ad hoc basis. He had considered all relevant aspects in giving his award including the need of the employees, comparison with other industries in the region and after taking into account the financial capacity of the employer. The criteria adopted by Shri Salim Merchant in giving his award were entirely in accordance with the Supreme Court decisions on this point. Shri Salim Merchant's Award, therefore, did not suffer from any of the infirmities as alleged by the Union.
- (f) Regarding the contention of the Union that Shri Salim Merchant wrongly failed to give the same emoluments as in NCDC, Dr. Anand Prakash contended that Shri Salim Merchant rightly took into account the financial position of the Industry in not granting the same emoluments as in NCDC. He referred to the original letter written by the management while supplying the particulars with regard to wages etc. in NCDC to show that the information was supplied as per the direction to the Arbitrators. The management had never agreed expressly or impliedly to the same wages as in NCDC. Dr. Anand Prakash also contended that If any conclusions were to be drawn from the conduct of the Company in the proceedings before Shri Slaim Merchant it would be necessary to refer to the whole of the original proceedings before Shri Salim Merchant, for summoning which the Company had already made an application before the Arbitrators.
- (g) Regarding the alleged subsistence wage calculated by Shri Gajendra-gadkar, ex-Chief Justice of India, Dr. Anand Prakash contended that Shri Gajendragadkar in his report regarding D.A. to Central Government Employees was not laying down the minimum subsistence wage for workmen employed in industries particularly in the State of Rajasthan. He was only dealing with what the minimum emoluments of Government servants should be. Moreover, the Gajendragadkar Commission report was not relied upon by the Workmen in their submission before Shri Salim Merchant and Shri Salim Merchant could not be considered to have committed an error in not taking it into account in fixing the minimum wage of the employees of this Company.
- (h) Dr. Anand Prakash further contended that the minimum subsistence wage had to be considered after taking into account the notifications fixing the minimum wages in the State of Rajasthan. In this connection he relied on the notifications issued by the Central Government as well as the State Governments in respect of mining and other industries in the State of Rajasthan copies of which have been filed by the Company in present proceedings. He contended on the basis of these notifications that the management was paying far more than the minimum subsistence wage which the employer is bound to pay irrespective of his capacity to pay as held by the Supreme Court in the case of Crown Aluminium Company relied upon by the Union. In connection with his contention that what is fixed by the minimum wage notifications is the subsistence wage as held by the Supreme Court in Crown Aluminium case, Dr. Anand Prakash relied

on the decision of the Supreme Court in Unichoyl Versus State of Kerala which is reported in AlR Supreme Court page 12.

- (i) Dr. Anand Prakash submitted on the basis of the judgement of the Supreme Court in Burn & Co. Vs. Its workmen 1957 I LLJ page 226 and of Balmer & Lawrie—1964 I LLJ 380, and distinguished the cases cited by the Union.
- (i) Regarding the Wage Board decisions in the case of Textile Industry, Heavy Chemicals & Fertilizer Industry, and Dock and Port Workers, Dr. Anand Prakash contended that none of these were comparable industries in the region in which this Company is operating. As per, the decision of the Supreme Court in the case of workmen of Balmer Lawrie & Co., Versus Balmer Lawrie & Co. 1964 I I.L.J p. 380, it i only a rise in wage structure in comparable industries in the region that would justify re-opening of matters—settled under a previous award.
- (k) Dr. Anand Prakash contended further that if the workmen wanted to challenge the Salim Mcrchant Award, they should have done so immediately after the award was given Shri Salim Merchant rightly accepted the case of the Company regarding its financial position, yet gave more to the workmen than was warranted by the financial capacity of the industry.
- (1) Dr. Anand Prakash further contended that far from there being any change in circumstances justifying a revision in the wage structure upwards, the financial position of the Company had deteriorated and this factor was sufficient to cancel all other factors which were relied upon by the workmen for re-opening of the wage structure. He also contended that the other conditions as laid down by the various decisions of the Supreme Court for re-opening matters decided under an award had also not been satisfied.
- (m) Dr. Anand Prakash controverted the statement of the Union that the fringe benefits and amenities available to workmen in the other public sector undertakings, including Khetri Copper Projects were less than in this Company. He state that the fringe Lenefits given to the workmen in the Company were more than those in Khetri Copper Poject. In this connection, he relied upon the statement of Shri Khanna, Senior Administrative Officer as well as the statements filed by the management with regard to fringe benefits in this Company. He also offered that the Arbitrators may make full enquiry so as to compare the fringe benefits in the Company with those in Hindustan Copper Limited.
- (n) With regard to the appointment of the Third Pay Commission, Dr. Anand Prakash contended that it would be more speculation as to what the said Pay Commission would recommend for Central Government employees. In fact, what is recommended by the Commission for the Central Government employees would not necessarily be applicable or relevant for employees in industry.
- (o) Dr. Anand Prakash contested the Union's setatement that the minimum wages as recommended by the different wage Boards for the respective industries were merely subsistence wages. In this connection, he relied upon the elaborate discussion in most of the Wage Board recommendations with regard to the financial capacity of the employer. He contended that the Wage Boards made recommendations with regard to the minimum wages after taking into account the financial capacity of industries concerned. What the Wage Boards had fixed was not the minimum subsistence wage, but the minimum fair wage for which the financial capacity of the industry is always relevant.
- (p) With regard to the contention of the Union regarding the future prospects of this Company. Dr Anand Prakach stated that what had to be taken into account in fixing the wage structure was the Immediate future and not what may happen after several years.
- (q) Regarding the rate of dearness allowance fixed by Shri Salim Merchant, Dr. Anand Prakash contended that the formula as accepted by workmen at Khetri was fair and had taken into account all the

relevant factors. Moreover, the dearness allowance—formula had been fixed by the Arbitrator having regard to what is the practice in the region and financial capacity of the employer. Judged by this criteria, the formula of linkage with cost of living index fixed by Shri Salim Merchant was fair and reasonable and should not be disturbed.

(r) Dr. Anand Prakash thereafter argued that once the Union's contentions that the Company was not paying a minimum subsistence wage was rejected on region-cum-industry basis, there was no case for revision of the wages upwards. In this connection, he relied on various decisions of the Supreme Court particularly the following:—

1964 I LLJ 342

1962 I LLJ 302

1962 I LLJ 271

(s) With regard to the dearness allowance formula, Dr. Anand Prakash contended that the formula as laid down by Shri Salim Merchant was fair and having regard to the capacity of the industry to pay, the said formula should not be revised. As far as retrospective effect is concerned, Dr. Anand Prakash contended that there can be no question of retrospective effect inasmuch as the wage structure was fixed as recently as 1968. Moreover, there had not been such a gap in between the time between the date of the demand and the Arbitrators award as to justify retrospective effect. He finally relied upon the financial capacity of the industry for his submission that there was no case for retrospective effect.

The Management finally added that the lowest categroy of underground workers in this company are in the same grade as the semi-skilled workers, whereas in the NCDC they are in the same grade as the unskilled surface workers, it was also stated on behalf of the Company that the underground workers in the Company are paid 10 per cent of their basic wage as underground additional salary. It was, therefore, submitted that if wages are increased, the Company should be entitled to engage-unskilled underground workers in the same pay scale as applicable for the unskilled surface workers. In this connection it was mentioned on behalf of the Company that besides trammers, muckers, even ordinary mazdoots according to the existing system are to be paid higher wage than the same category of workmen working in the surface. This anomaly should be removed.

Finally while closing his arguments. Dr. Anand Prakash submitted that if the Union's claim for increase in emoluments is conceded in full or in part, then the fringe benefits and amenities which are available to the workers of the Zawar Mines and the Zinc Smelter should be taken into consideration. Dr. Anand Prakash on behalf of the Company specially pointed out to the following benefits claiming that they are part of the pay-packet:—

- (a) Rs. 2,50 per month paid as house rent allowance to the workers drawing basic salary up to Rs. 120 per month and not residing in the Company's quarters.
- (b) The amount of subsidy given for supplying 10 kg of charcoal per month to every worker residing in the colony. (The Company has submitted that, if possible, the system should be allowed to be withdrawn as it is more a botheration to the Company than the relief enjoyed by the workers.)
- (c) The difference between the rent payable by the workers for the accommodation provided by the Company and the nominal rent paid by them.
- (d) The cost of free furnitures and buckets etc., supplied by the Company to the workers who have been allotted accommodation by the Company.
- (e) The attendance bonus of 12 paise per day to the majority of the surface workers and 24 paise per day to the majority of the underground workers. The attendance bonus is paid on 22 days attendance only and that too including all authorised leave. In fact, it is no incentive and it is easily earned by every worker. Hence, it does

not possess the character of an incentive bonus and should be treated as part of the pay The Zawar Mines Mazdoor Sangh, however, opposed the contention of the Company and stated that the quantum of the bonus should be increased so that the workers may feel real urge to earn the same. The Unions also stated that this bonus is paid only to a section of workers of Zawar Mines alone. So any adjustment will amount to their losing some benefit which they have been enjoying for years on account of some circumstances peculiar to

- (f) The Company is providing sanitation service to its workmen who are allotted quarters. In other public sector undertakings, such free sanitation service is either not given or charged for. The provision of free sanitation service is causing heavy burden on the Company because of the very very low workload on the sweepers and the fact that even on the present wages of the sweepers, their salary bill is pretty high. This fact should also be taken into account when revising the wages. The Company ought to be given relief from this burden or this should be taken into account when fixing the minimum wage and dearness allowance
- (g) The Company is providing free transport facility to the workmen of Zinc Smelter for attending to their duties at the smelting plant. This fact also should be taken into account while giving the Award on wages or the Company should be given relief from this burden by directing that the workmen should pay for the same, in case the DA. 18 Increased to enhance their wages

In reply to the Company's last contention, ie, withdrawal and/or modification of certain fringe benefits amenities that are available to the workers of Zawar Mines and or Zinc Smelter, Mazdoor Sangh contended as follows —

Regarding House Rent Allowance of Rs 250

Mostly the local workers of Zawar Mines, who are to walk long distance every day for attending duties are paid this allowance. That too is only paid to the workers drawing basic salary of Rs. 120 or below. By payment of this allowance, the Company has minimized its burden for building quarters. These workers are enjoying this benefit since 1956 as per Shri Sukhadia's Award The withdrawal or adjustment of this benefit shall create hardships for them

Regarding supply of subsidized char coal to the workers of Zawar Mines

The workmen of Zawar Mines are supplied with 10 kg of char coal at subsidized rate, because the Company is not supplying filtered water and most of them are used to drink boiled water as a measure of safety against infection by germs Further, there is no shop within the colony where from char coal, fire wood, etc could be procured by the workmen So, this benefit can only be withdrawn pro vided the Company makes arrangement for their availability through at least private shops in the colony, and also starts supplying filtered water.

Regarding difference arising out of nominal rent of Qrs

Since this question is already covered by issue No. (i), no reply is necessary Reg. supply of free furniture, buckets etc

The system is in existence at Zawar Mines for a long time. The main reasons behind this arrangement are two, namely, (1) non-availability, (11) meagre pay The workmen would find it very difficult to arrange money for buying these furnitures, buckets etc if this system is withdrawn

Reg Attendance Bonus Scheme at Zawar Mines

The Mazdoor Sangh does not agree to the Company's contention that attendance bonus should be treated as a part of the pay. The system of granting attendance bonus is not peculiar to this industry alone. As a matter of fact, all the categories of workmen here in this Company should have been granted the benefit If the Company does not find the utility of this system, it is because the rates of attendance bonus are very low. Twenty two days qualifying attendance is not unreasonably low. In any case, the benefit cannot be withdrawn as only a section of the workmen are enjoying the benefit and it will not be proper to take this into account while deciding a general issue However, the Mazdoor Sangh has no

objection to the raising of the qualifying attendance to a reasonable extent, provided the Company also agrees to increase the rates of attendance bonus

Reg free sanitation service at Zawar Mines

In this connection, the Mazdoor Sangh's argument is that the system was introduced when almost all the quarters were provided with service latrines, and sweepers were not available unless in employment of the Company. In view of these difficulties, and also on account of the low wage paid to the workers, the minagement of Zawar Mines introduced free sanitation services. If the Company want to reduce its builden, it should immediately abolish all service latrines. In any case, the benefit enjoyed by the workers for such a long time cannot be withdrawn unless the workmen are compensated for the same, and arrangements are made by the Company for availability of sweepers in the colony.

Rig free transport facility to the Zinc Smelter workmen

The Company has only built a few quarters at the Zinc Smelter Colony, and a large number of workers, having no other alternative, are residing in Udaipur City on payment of extraordinarily higher rents. The question of withdrawal of the transport facility can only arise when the Company shall provide housing accommodation to every workman at the Zinc Smelter Colony itself.

Regarding Issue Number (i)

On behalf of the Zawar Mines Mazdoor Sangh and Zinc Smelter Mazdoor Sangh, it was contended —

- (a) The Company's contention that the quarters of Zinc Smelter Colony are better than the newly constructed quarters of Zawar Mines, is totally wrong. The Arbitrators themselves have inspected all those quarters both at the mines and smelter.
- (b) The newly constructed quarters of Zawar Mines are inferior to the older ones. The Arbitrators have also visited those quarters
- (c) The Company's contention that the cost of construction of the new quarters at the Zawar Mines is now more than the costs of construction of the old quarters (constructed by MCI Ltd) is also wrong, which is evident from the Company's own statement, as also other documents produced by the Mazdoor Sanghs. It can be found from these documents that the cost of newly constructed type III quarters is almost the same as that of B type quarters constructed earlier. In case of type II and type I quarters, rather the construction costs have come down than that of revised C type and new C type quarters constructed earlier, because of inferior specifications.
- (d) The Company placed the same argument that they were providing the quarters at nominal rents, before Shri Salim Merchant, and Shri Salim Merchant awarded the same minimum wage for both the Zawar Mines workers and Zinc Smelter workers. Hence the Company had no justification in charging higher rents from the workers of Zinc Smelter.
- (e) The Company in its written statement has practically pleaded that the rate of house rent for the Zinc Smelter quarters and the quarters that will be built in future at Zawar Mines should be increased. In other words the Company wanted that for the same type of quarters it will charge higher rents from the workers who will be allotted quarters in future. This also implies that the Company will be charging higher rents for inferior type of quarters than the petter ones. Such argument is not only fallacious, but also leads to serious discontentment among the workers.
- (f) The Mazdoor Sangh also submitted that the Company's plea of increasing rates of house rent for the newly constructed quarters of Zawar Mines was a malafide plea calculated to defeat the workers' claim for reduction of rents for quarters at Zinc Smelter. The Mazdoor Sangh also placed that the Metal Corporation of India inspite of constant increase in the cost of construction was charging the rent at the same rates from the very beginning. The Mazdoor Sangh argued that this is a clear proof of the fact that the housing accommodation at nominal rents is a condition of service which can never be withdrawn or modified without sufficient compensation in lieu thereof

The Mazdoor Sangh further submitted that the Patna Electric Supply Co's case referred to by the Company is irrelevant, since the issue here is not for housing accommodation, but for the quantum of house rent. The Mazdoor Sangh pointed out that in Patna Electric Supply case, no general principles were enunciated as has been held by the Supreme Court in the case of United Salt Works and Industrics Ltd., reported in 1962 I LLJ at page 131.

- (g) Reparding the social obligations of the Public Sector Undertakings in providing housing accommodation, the Mazdoor Sanghs submitted that most of the public sector undertakings have constructed adequate quarters even before the construction of the plants and machineries, and the total costs of the townships in public sector undertakings range from ten per cent to thirty per cent of the total cost of the projects whereas the Company here has so far spent less than 5 per cent of the cost of the project for building of quarters. The Mazdoor Sanghs, in this connection, refer to Annexure 'C' to the rejoinder of the Zinc Smelter Mazdoor Sangh.
- (h) Lastly the Mazdoor Sanghs contended that the pay scales and D.A. for the workers of Zawar Mines and Zinc Smelter are same. So, there would be no justification for charging higher house rents from the workers of Zinc Smelter. Further the Mazdoor Sanghs concluded that not only the rates of the quarters at both the places should be the same, the Company should not be allowed to increase the rate of rents as it will adversely affect the pay packet of the workmen both at the Zawar Mines and the Zine Smelter. In any case, according to the Mazdoor Sanghs, the question of increasing the rate of rent can never arise without taking the increase in consideration while fixing the minimum wage and D.A. as has been done in Kheri Copper Project as per Company's own statement.

The management controverted all the allegations of the workmen and stated that the workmen should not be allowed to depart from their statement of claim and to add to the reasons stated therein in support of their demand. Many of the contentions of the workmen, it was submitted by the management, were not supported by the record either in the form of pleadings or evidence. Such contentions should, therefore, be ignored. In any case they had no merit or relevance to the issue under consideration before the Arbitrators. The Management also submitted that many of its submissions were being misrepresented by the Sangh. In this connection the Management relied on its statement of claim.

In resisting the demand on merits, the management stated that on the one hand the workmen want increase in their wages after taking into account the normal expenditure on housing accommodation, while on the other they want that the housing accommodation provided to them by the management should be heavily subsidized. These two contentions of the Mazdoor Sangh, the Management submitted, were mutually contradictory. With regard to the rent being paid at the Zanyar Mines it was clear from the evidence that the lowest minimum ment at the Zawar Mines, it was clear from the evidence that the lowest minimum rent of Rs. 2.50 per month was fixed long time age when the emoluments of the employees were very very low. These rents had been allowed to continue because of resistence to increased rent, and reluctance of the management to force the issue by raising the rents. There was no justification whatsoever that the same rent should be recovered at the Zinc Smelter when the new accommodation was being built and given to the employees in entirely changed circumstances. The company further explained that the new houses were being constructed as rer the specifications and standards laid down by the Bureau of Public Enterprises. Government of India, for all projects in the public sector. For such residential accommodation the general pattern of recovery of bours part in all the making accommodation the general pattern of recovery of bours part in all the making accommodation the general pattern of recovery of bours part in all the making accommodation the general pattern of recovery of bours part in all the making accommodation the general pattern of recovery of bours part in all the making accommodation and pattern of recovery of bours part in all the making accommodation was being built and given to the general pattern of recovery of bours part in all the making accommodation was being built and given to the general pattern of the general pattern of pattern of pattern of pattern of pattern of the general pattern of pa commodation the general pattern of recovery of house rent in all the public sector projects including Hindustan Copper and N.C.D.C. is as follows:

71% of pay . . . from those whose pay is below Rs. 150/- per month.

from those whose pay is Rs. 150/- per month or above or the standard rent under F.R. 45(a) whichever is lower. to% of pay. In respect of employees drawing a pay of Rs. 150/and below, the net pay after deduction of rent shall not be less than Rs. 137-82 per month.

Some projects have regular accommodation construction as per the standards laid down by the Bureau of Public Enterprises. In other cases rent is recovered

at the above rates even though they have other scales of rent recovery for temporary type or tented accommodation. This could be ascertained by the Arbitrators from other public sector undertakings. It was further contended that the quarters provided by the Company are definitely superior both in lay out and in other facilities as compared with those provided according to the specification of the Bureau of Public Enterprises and there was no reason to charge lower than the stipulated rent here. Having regard to the general practice in other public sector industries, it would create needless complications and further industrial unrest if a departure is made from the general practice as prevalent in other public sector undertakings.

It was further submitted by the Company that, even as it is, the rents are very nominal and the houses are being heavily subsidized and it would impede house construction activity if the rents are further reduced. Further there was no comparison between the housing accommodation provided at the Zawar Mines and what is now being provided at the Zinc Smelter. Moreover, the circumstances in which low rent was charged at the Zawar Mines having already been explained above there is no reason for charging the same rate at the Smelter as at the Zawar Mines.

The Company emphasized that it should be allowed to charge rent as per the rates recommended by the Burcau of Public Enterprises, and the workers' claim in this regard should be rejected.

Directions

We have carefully considered the evidence, verbal as well as documentary produced by the parties, as also the submissions made during arguments.

We have also taken into consideration the interests of harmonious industrial relations, taking particular note of the fact that recently a long-term agreement has been entered into be ween the parties and the present reference has been made in pursuance of that agreement and that this award would hold good during the pendency of the said long term agreement

Taking every thing into consideration, we indicate below our Award in respect of each of the matters, in dispute, which we think is the most fair and reasonable in the circumstances of this case, and for peace and harmony in the industry on a long term basis even though while arriving at the terms of this Award, we have had to make certain adjustments in our individual views on some of the issues, in view of totally of the circumstances of the dispute

Issue No. (ii) is dealt with first.

Minimum Wage and Dearness Allowance

Issue No. (ii).—"Whether the demand of the Mazdoor Sangh for increase in minimum Dearness allowance so as to bring up the minimum wage to the level of that prevailing for the National Coal Development Corporation Workers and for increase in Dearness Allowance of the workers falling in other higher slabs of wages, including introduction of 4 slabs in place of the existing 3 slabs and also the demand for increase in the rates of neutralisation, are justified? If so, what should be the revised Dearness Allowance Scheme and from what date?

The Issue No (ii) has the following parts:—

- Fixation of minimum wage for the lowest paid worker, i.e., unskilled surface workers wage;
- (2) Dearness Allowance Scheme for all categories of workers including that of the lowest paid category;
- (3) The rate of linking of dearness allowance with the working class Consumers' Price Index and the manner of revision in case of rise or fall in the Price Index.

Direction

Minimum Wage

The Minimum Wage as on 1st April, 1970, will be Rs. 169.60 paise. It will comprise of Rs 70 basic and Rs 99-60 DA at the index No. 178.

The Company stated that the lowest category of underground workers are in the same grade in this Company as the semi-skilled workers, whereas, in N.C.D.C.,

they are in the same grade as the unskilled surface workers. The underground workers, in this company too, are paid 10 per cent of their basic wage as underground 'additional salary.' We do not want to disturb the existing pay scales of the Trammers and Muckers but we direct that the minimum wage of the underground unskilled workers engaged as Mazdoors for doing ordinary cleaning jobs and c.vil mazdoor's jobs shall be the same as that of the surface unskilled workers. However, they shall also be paid the underground 'additional salary' as paid to other underground workers. In other words, they can be appointed in the lowest scale of pay. By this Award, no workman's existing scale of pay or remuneration will be lowered or reduced.

Dearness Allowance Scheme.

The workers should be paid dearness allowance with effect from 1st April, 1970, as follows:—

Wage Group	 	 	At Index No. 150 (1960=100/	At Index No 178 (1960=100/
Rs. 70/- to Rs. 120 bas c Rs. 121/- to Rs. 230 basic Rs. 231/- to Rs. 390 basic Rs. 391/- to Rs 580 basic			Rs 73.00 DA Rs. 91.00 DA Rs. 109.00 DA Rs 125.00 DA	Rs. 99·60 DA Rs. 124 00 DA Rs. 148·20 DA Rs. 167·00 DA

Linking of Dearness Allowance.

Henceforth dearness allowance shall be linked with all-India Working Class Consumers' Price Irdex—New Series, i.e., 1960=100 instead of the interim series, i.e., 1949=100 and the revision shall take place twice in a year, in case of every two point lise or fall in the price index. For the purpose of revision, the average half yearly index shall be taken into consideration, the Index for the period from January—June of any year shall take effect from 1st of October of the same year and the Index for the period July—December of any year shall take effect from 1st of April of the next year. Accordingly, the next revision shall be on 1st of October, 1970, if there will be appropriate rise or fall in the index.

While dearness allowance will be paid as above, for payment of gratuity, only the dearness allowance payable at Index Number 150 (1960=100) will be taken into account irrespective of the actual dearness allowance paid to the workmen.

Subject to the above mentioned conditions, we award the following rate of linking for each pay group:—

Bas'c Pay Ranges	Rate of linking per point of 1960=100
Rs. 70/- to Rs 120/- bas c Rs. 121/- to Rs. 230/- basic	. 95 paise per ponf
Rs 231 ₁ - 0 Rs 390/- basic. Rs 391/- to Rs 580/- basic	. I 50, .,

The above Minimum Wage and dearness allowance pattern would be applicable subject to the following modifications/changes in the fringe benefits operating currently—

- (1) Supply of Char Coal—The practice regarding supply of char coal to workmen at subsidized rates would be stopped from 1st September, 1970. The Company, however, would facilitate setting up of private shops for char coal, fire wood etc. at Zawar Mines, so that the workmen may be able to purchase coal fire wood etc from private shops at their own expense.
- (2) House Rent Allowance—The practice of payment of Rs. 250 per month as house rent allowance to certain workers would discontinue from 1st April, 1970.

(3) Attendance Bonus Scheme.—The attendance Bonus Scheme would stand revised as below. This revised Scheme has been agreed to by the parties in our presence:—

Revised Attendance Bonus Scheme for Zawar Mines to come into effect from 1-9-1970

Category	Rate of attendance Bonus	Minimum Affer cer ce for entitlement
(1) Surface workmen provided with housing accommodation and drawing a basic salary of Rs. 150/- per month (ceiling for semiskilled workmen.).	20 paise pc1 duy	24 days in a month except for February when attendance required will be 22 days.
(ii) Sarface workmen not provided with accommodation but drawing basic salary up to Rs 230 per month (ceiling for skilled workmen).	Do	Do.
(iii) Unlyground workmen provided with accommodation but drawing basic salary upto Rs. 150/- per month (celling of semskilled workmen).	33 paise per day	Do.
(1v) Underground working in not provided with accommodation but drawing bauc salary upto R. 230/- per month (child ig of skilled working).	33 paise per day.	24 days in a month except for Icbruary when attendance re- quited will be 22 days.

- Note (a) The Scheme will be applicable to those categories of workmen who are covered in the existing scheme as on date.
 - (b) For the purpose of computation of the above limit for entitlement, sick leave with pay and Privilege leave with pay will be taken into account but no bonus will accrue for these days spent on leave.
 - (4) Free Furniture and Buckets, etc.—The practice of supplying furniture and buckets etc. to the workmen in Zawar Mines would be stopped beneeforth.
 - The workers in possession of furniture, buckets, etc. belonging to the Company should return the same to the Company on or before October 1, 1970.
 - Now that the system of providing furniture and buckets to the workmen would discontinue, the workmen who are allotted Company's houses in future would have to purchase their own furniture and buckets, etc. For this purpose, if any workman requests the Company for grant of advance, the same would be allowed by the Company, subject to a maximum of fifty per cent of one month's salary (Basic rius dearness allowance) of the concerned workman. The workers shall pay interest at the rate charged for cycle advance and the advance along with interest shall be recovered from the workers in twelve equal monthly instalments.
 - This advance, however, will be available to a workman only once during his period of service in the Company, even though he may be allotted or re-allotted residential accommodation more than once.
 - Those workmen, who return the Company's furniture and buckets etc. should also be given advance on the above basis, if they so request.
 - (5) Unlimited Electric Supply.—The workmen will be charged for the electricity consumed by them at the existing rate of eleven paise per unit, which will be reduced or increased to the extent the Government duty is reduced or increased. This rate, however, will be applicable for consumption up to the maximum limits indicated below for different types of quarters. Electric consumption beyond the maximum limits indicated below will be charged at the same rate which the Company pays for purchasing the electricity. This decision would be

applicable both for the workmen employed in the Zawar Mines and Zinc Smelter:—

h Type (all types) .						Ceiling of	15 Unit	1 ct month.	
D Type, IHS & Type I						,, 4	eo.	33	
C Type New C type Modified C type, Revised C Type and Type II									
B Type and Type III		•	•	,		23	35	"	

- (6) The practice of providing free sanitation service to the workmen, currently operating, needs rationalisation. The parties agreed before us regarding this necessity. The Management would do away with this system ensuring that none of the present incumbents holding the post of sweepers is retrenched and also that facilities are provided for private sweepers to be available in the Colony. On these facilities being provided, the Co.'s sweepers will be withdrawn from this work and put on alternate jobs. The workmen would be paid an allowance (mutually agreed between the parties) for making private arrangements for sanitary services in their houses. This allowance, however, will be available only to those workmen who are allotted accommodation in the Colony.
- (7) Free Bus facility.—Certain workmen, who are not allotted Company's quarters are currently entitled to free bus facility at the Zinc Smelter. If any of such workmen is allotted Company's accommodation, and he is unable or refuses to occupy it within the stipulated period for whatever reasons, he will not remain entitled to free bus facility.

Issue Number (i) (a),—"Whether the Introduction of house ront at the higher rates is justified, and if so at what rate?"

From August 1, 1970, house rent at the following rates for different categories of accommodation as indicated below, shall be recovered—

Rate of recovery from August 1, 1970.

B Type ancient quarter numbering III at Mines only;		r	Ni ¹ .	
E Type revised or Modified at Zawar N Company should provide eectric meter a			•	
tap; , , ,		,	Rs. 3·50 per month.	
D type at Zawar Mines: , .			Rs. 5.00 per month.	
Type I (Both for Smeltor and Mines)			Rs. 5.00 per month.	
IHS Qrs. at Zawar Mines:			Rs. 5.00 payable by the allottee.	
C type (old & new) at Zawar Mines: .			Rs. 10.00 p.m. with fan. Rs. 8.50 without fan.	
Type II (Both for Smelter and Mines)			Rs. 10.00 p.m. with one fan.	
Modified C or Revised C at Zawar Mines:	•		Rs. 10.00 without fan Rs. 11.50 p.m. with one fan.	
B Type at Zawar Mines .			Rs. 20 per month with 2 fans or Rs. 17 without fans.	p m
Type III (Both for Smelter and Mines)			Rs. 20 p.m. with 2 fans.	

Issue Number (i) (b) —"In case the house rent at the higher rate is to be payable by the workmen under the Award, are they entitled to any compensation in lieu thereof? If so, the quantum of compensation payable and the form of such compensation."

No compensation is necessary in view of the increase awarded in the wage.

We are indeed grateful to the parties for the cooperation extended by them, which made it possible for us to give our Award expeditiously.

We do appreciate the assistance made available to us by Shri R. C. Sharma Personal Assistant to the Industrial Relations Adviser, Fertilizer Corporation or India Limited, New Delhi.

(Sd.) B. L. WADEHRA

(Sd.) KANTI MEHTA.

Arbitrators

(Sd.) B. L. WADEIIRA,

Industrial Relations Adviser, Fertilizer Corporation of India Ltd., New Delhi.

[No. 12(15)/70-LR-IV.]

S.O. 3097.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri A. S. Gupta, Arbitrator, in the industrial dispute between the employers in relation to the management of Bhilai Steel Plant, Bhilai and their workmen, which was received by the Central Government on the 22nd August, 1970.

ARBITRATION AWARD

(Under Section 10-A of the Industrial Disputes Act, 1947)

(In the matter of an industrial dispute between the management of Bhilal Steel Plant, P.O. Bhilai, Distt. Durg (M.P.) and their workmen represented by Steel Workers' Union, Rajhara Mines Branch, P.O. Dalli-Rajhara, Dist. Durg (M.P.) over the demand for higher grade in respect of Shri S. K. Bajpayee, Chargeman, Rajhara Mines.)

PRESENT:

Shri A. S. Gupta, Asstt. Labour Commissioner (Central), Bilaspur.

APPEARANCES:

On behalf of Employers:

Shri M. B. Bhaduri, Asstt. Superintendent, Ore Mines & Quarries, Rajhara Mines.

On behalf of Workmen:

- (1) Shri P. B. Chakraborty, Secretary, Steel Workers' Union, Rajhara Mines Branch.
- (2) Shri T. A. Menon, Secretary, Steel Workers' Union, Bhilai (Distt. Durg) M.P.

STATE: Madhya Pradesh

INDUSTRY: Iron Ore Mining

By an Arbitration Agreement dated nil published by the Government in the Gazette of India under its order No. F.37/11/66/IR-I-I dated 9th December, 1966 the following Industrial Dispute between the employers in relation to the Bhilai Steel Plant and their workmen was referred to my arbitration under Section 10A of the Industrial Disputes Act, 1947:

- (i) Whether the demand of the Union that Shri S. K. Bajpayee, Chargeman, should be given the grade of Rs. 150—250 (old) w.e.f. 1st May 1961 is justified?
- (ii) Whether he should be granted the grade of Rs. 250—380 w.e.f. Ist July 1962 in view of his rotation in shift duties along with Chargeman in the scale of Rs. 250—380 is justified?
- (iii) In view of his further rotation in shift duties with Chargeman in the grade of 325-475 w.e.f. 15th February 1965, Shri Bajpayee should be granted the scale of 325-475 w.e.f. 15th February 1965 is justified? If so to what relief the workman is entitled to?
- 2. The matter was taken up on various dates but before I could make my award the time limit expired and as the management declined to extend the period the whole matter remained in the doldrums. On persistent requests of the Union the management reconsidered the whole issue and extended the period upto 14th July 1970 but during this intervening period their Personnel Manager, Shri N. P. Dhusia made a request to give them opportunity to file a fresh written statement on the grounds that the matter had become pretty old and there had taken place material changes in the manning and seniority of personnel etc The request, of the management was acceded to but no fresh written statement was received though the extended time limit was expired in anticipation. The Union

again approached the management and got the period extended. Its representative also made a submission before me that as the matter had already been inordinately delayed owing to dilly-dallying tactics of the management, the award should be given on the basis of hearings already conducted in the instant dispute. Since the Union seems to be impatient and no fresh statement is forthcoming from the management I have decided to go ahead with my findings.

- 3. The main contention of the management in the first issue is that the workman was never appointed as Chargeman in the grade of Rs. 150—250 (old) by a selection committee and his designation was to be decided at a later date. This appears to me rather absurd that a man is appointed but he is not given to understand at the time of his appointment against what post he has been appointed and what would be his assignment. Such situation normally do not exist and the management also could not give any satisfactory explanation as to why they could not decide the designation of the workman at the time of his appointment. The Union while rejecting the management's contention has submitted that the workman though appointed in the grade of Rs. 100—6—160 had actually performed the duties of a Chargeman which post had carried a pay scale of Rs. 150—10—250 at the relevant period. But if the representation dated 31st August 1961 of the workman is examined it would be seen that though he joined his duties as Chargeman he never disputed the grade in which he was placed by the selection committee. So it makes a dubious position for in the first instance the workman did not demand higher grade for the work he performed after his appointment in the grade of Rs. 100—6—160 (old). Secondly he kept quite for a long period and it was only after a big time lag of 4 years that he came out with the representation that he performed the duties of a Chargeman which post had carried a higher pay scale. Since it is humanly impossible to verify the actual position at this distant date and the contract between the management and the workman was complete with the acceptance of offer of appointment by the later, his claim for higher grade is not tenable. I, therefore, answer the reference of para (i) in favour of the management by holding that the workman is not entitled to be placed in the grade of Rs. 150—250 (old) w.e.f. 1st May 1961.
- 4. With regard to issue No. (ii) the management failed to produce the log books. During the cross examination the management's representative, however, admitted that the workman was utilised in the grade of Rs. 250—380 off and on. Since the relevant log books are not traceable and the fact has not been denied by the management that the workman was utilised in the higher grade I give benefit of the doubt to the workman and award full payment in the aforesaid grade. Consequently the workman should be granted the grade of Rs. 250—380 w.e.f. 1st July, 1962.
- 5. The Issue No. (iii) is very simple but the management had tried to confuse the whole issue by bringing in the study of the Industrial Engineer which as a matter of fact was not relevant and the authenticity of which was never proved. On the contrary the chart produced by the management showing posts sanctioned for manning 3 shifts indicated that posts had existed in the higher grade. Moreover the Indian Constitution ensures equal pay for equal work. Thus there is no justification in keeping a man in a lower scale and asking him to rotate in shift duties with the persons of higher grades. The workman is therefore, rightly entitled to claim higher grade of Rs. 325—475 and accordingly I award that he should be granted this scale w.e.f. 15th February 1965.

This is my award and it should be implemented within 30 days from the date of its publication in the official Gazette.

Bilaspur, dated 18th August, 1970.

(Sd.) A. S. Gupta,
Asstt. Labour Commissioner (Central)
Bilasp ... & Arbitrator.

[No. 37 (11)/66-LR-IV.]

New Delhi, the 8th September, 1970.

S.O 3098.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Management of Bankola Colliery, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 1st September, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 16 of 1970

PARTIES:

Employers in relation to the management of Bankola Colliery
AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee-Presiding Officer.

APPEARANCES:

On behalf of Employers—Sri S. B. Sanyal, Advocae. On behalf of Workmen—Sri S. N. Banerjee, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/17/70-LR.II, dated May 19, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), referred the following dispute between the employers in relation to the management of Bankola colliery and their workmen, to this Tribunal, for adjudication, namely:

"Whether the management of Bankola Colliery, Post Office Ukhra, District Burdwan is justified in placing the following workmen in Category III as laid down in the report of the Central Wage Board for Coal Mining Industry as accepted by the Government from the dates shown against each? If not, to what relief are they entitled.

\$1. No.		Name				Date
I.	Shri Kedar Paswan					3-4-1969
z.	Shri Faggu Mondal					3-4-1968
2	Shai Rai Kumar Gone				_	3-4-1968"

2. There is no dispute that Bankola colliery has implemented the recommendations of the Central Wage Board for Coal Mining Industry. Appendix V. Category III, is for semi-skilled higher workmen. Item 19 under category III reads as follows:

" S1. No. Designation

Job Description.

19. Line Mistry (below 30 lb.) . . .

A manual worker who lays and maintains tracks generally 2'—o' gauge on which the tubs of mine cars run. The weight of the rails varies but 50 lbs. per yard of railis the commonest weight. The sleepers used are generally designated as "rough ramiline" For diesellocomotive haulage heavier track and sleepers are generally used than the rope haulage tracks.

Appendix V, Category IV, is for skilled Junior workmen. Item 18 under category IV reads as follows:

18. Line Mistry (from 30 lbs. upto 50 lbs./

A manual worker "who lays and maintain tracks generally 2'—o" gauge on which the tubrs of mine car run. The weight of the rails veries from 30 lbs. per yard to 50 lbss. per yard. The sleeperx used are generally designated as "rough trambine" For dissel locomotive haulage heavier track and sleepers are generally used than the 10pe haulage tracks."

3. The case pleaded by the workmen was that they were serving as line mistries in Bankola colliery for a long time. They acquired sufficient knowledge

in the work but the management placed them in category III instead of category IV, although in the section where they were working the lines were more than 40 lbs. and the gauge 2'-6''. They characterised this action of the management as wrongful and prayed for their fitment in category IV of the recommendations of the Wage Board.

- 4. The case pleaded by the management was that three concerned workmen were working in 30 lbs. rails, at the time when the Wage Board recommendations came into force in 1967. It was further pleaded:
 - "That for technical reasons the management started replacing lines (rails) below 30 lbs. by 40 lbs. lines and the concerned persons along with others became surplus in the aforesaid lines. That on verbal representation of the concerned persons and others and in order to maintain good industrial relationship the management did not terminate the services of the surplus workmen but allowed them to continue in the said category with the understanding that they will do only maintenance work in the 40 lbs. rails where the responsibility of maintenance is much lighter than maintenance of lines below 30 lbs. in as much as maintenance required in higher section is less frequent than that is required in lower section of the lines.
 - That in the aforesaid circumstances there being no category provided for doing only maintenance work in the Wage Board recommendations, the management is fully justified in continuing the concerned persons in Category III though the responsibilities discharged by them are less than full responsibility of Category III."
- 5. Mr. S. N. Banerjee, learned Advocate appearing for the workmen, did not dispute that a line mistry in category IV must be a manual worker who was capable of laying and maintaining tracks generally of 2'—0" gauge, on which tubs or mine cars run. He conceded that any one who was capable of maintenance work and incapable of laying work would not become a line mistry in category IV. He, therefore, adduced oral evidence to prove that the concerned workmen were capable of doing both laying and maintenance work. The oral evidence adduced on behalf of the workmen was sought to be repelled by the management also by adducing oral evidence. Neither party relied upon any documentary evidence. I am thus left with the task of deciding a dispute only on the appraisement of oral evidence adduced by the parties.
- 6. Of the three workmen, who are concerned with the dispute, only one workman of the name of Kedar Paswan came forward to depose. He was the sole witness in the workers' side. In his examination-in-chief he stated:
 - "I am serving as a line mistry for the last three years. The duty of a line mistry includes laying of tracks, laying of diversion tracks and crossings. The weight of the rails laid by me is about 40 lbs. per yard. I have never worked on 30 lbs. Rail tracks. The laying of tracks are done in the general shift, that is to say, from 8 in the morning to 4 in the afternoon. I worked in the general shift for 6, 7 or 8 months but I do not remember in which year. I now work in rotational shifts. ***I dispute the case of the company that I merely work in maintenance of 40 lbs. lines but I do not lay them. I also dispute the case of the management that the work of laying the lines is done by senior personnel."

In cross-examination he admitted:

"When I worked in general shift, that was towards the beginning of my service. I dispute your suggestion that I never did laying work or that laying works are done by others."

The workman was asked a good many question on technical lines. The answer given by him did not tally with the answers to same questions given by M. K. Mukherjee, the Manager of the colliery, who was examined on behalf of the management. This difference was sought to be magnified by Mr. S. B. Sanyal, learned Advocate for the management, who argued that the workmen totally lacked knowledge of line laying and must be treated to be a witness of untruth, in spite of his tall claim that he was both a track layer and the track maintainer. I am not prepared to make much of this argument. In the first place, I do not know which technical answer was right. No book or authority was produced before me in order to enable me to judge which answers were correct. In the next place, the workman claimed to be a mere mistry. If he felt incapable of

giving correct answer to technical questions, I do not find much fault in him. For example, he was asked to give an estimate of requirements of materials in laying 50 pairs rail. He gave an estimate but without pretentions. When he was asked whether he had committed any mistake, he candidly confessed that he might have done so. Now, estimation may not be the job for a mistry. It is more properly be the job for an Overseer, a Supervisor or an Engineer. In my opinion Mr. Sanyal was resorting to a piece of over-doing in confronting an ignorant workman with questions on technical lines.

- 7. Although of that opinion, I find the evidence of the workmen somewhat unsatisfactory. In his examination-in-chief he stated that he was serving as a line mistry for the last three years. I, therefore, take it that he joined sometime in the year 1967. It appears from the evidence of M. K. Mukherjee, the Manager that change over from 30 lbs. to 40 lbs. started about May 1968. The workman merely claimed that he worked in the general shift for about 6 to 8 months towards the beginning of his service. It is the case of both the sides that track laying is made in general shift and in no other shift. Therefore, according to the evidence of the workman himself, he might have done some track laying work towards the beginning of his service but thereafter he was not working in track laying.
- 8. The other two workmen did not appear before this Tribunal. Kedar Paswan in his evidence stated:
 - 'I know Faggu Mondal. He also works as a line mistry. He works in 40 lbs. rail track. There is no difference between the work done by Faggu Mondal and myself. I know Raj Kumar Gope. He also works as a line mistry. He works in 40 lbs. rail tracks. The two persons named by me do both laying work and maintenance work of rail tracks."

In cross-examination he stuck to the statement and repeated:

"****like me Faggu Mondal and Rajkumar Gope both do the work of laying lines and maintenance of tracks."

9. On behalf of the management, the Manager deposed and so also the Track Supervisor. Both of them stoutly defied that the concerned workmen worked in laying and maintenance of tracks. Their positive evidence was that all the three workmen were utilised merely in maintenance work. I set hereinbelow extracts from the evidence of M. K. Mukherjee, the Manager:

"Incline (or dip section No. 2 colliery had below 30 lbs. rail previously, now it has 40 lbs. rail. For the introduction of 40 lbs. rails in the No. 2 incline, some line mistries were transferred to our other collieries, which were having below 30 lbs. rails, others became surplus. We did not retrench the surplus mistries but we have retained them for maintenance work of the track, which required losser skill. This was done on the representation of the Trade Union."

- M N. Das, Track Supervisor in his evidence stated that the management had tried the concerned workmen in laying work but discarded them as incompetent. This is the nature of the evidence on which I have to reach my conclusions on the dispute referred to this Tribunal.
- 10. Having considered the evidence, I am of the opinion that the workmen have failed to prove their case. The evidence led by them is much too scanty and much too unsatisfactory and all the more so because the evidence is self-serving evidence. On this sort of evidence, I am not prepared to hold that the concerned workmen were doing the work both of laying and of maintenance of tracks.
- 11. I, therefore, award that the management of Bankola Colliery was justified in placing the workmen in Category III as laid down in the Report of the Central Wage Board for Coal Mining Industry as accepted by the Government, from the date shown against each of the workmen. The workmen are not entitled to any relief from this Tribunal.

This is my award.

(Sd.) B. N. BANERJEE,

Presiding Officer.

New Delhi, the 10th September 1970

S.O. 3099.—Whereas an industrial dispute exists between the employers in relation to the management of Western Kajora Colliery of Messrs Western Kajora Collieries Private Limited, Post Office Raniganj, District Burdwan, and their workmen represented by the Colliery Mazdoor Sabha (AITUC) G.T. Road, Asansol, District Burdwan;

And whereas the said employers and workmen have by a written agreement in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person specified therein, and a copy of the said agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement.

FORM "C"

Agreement

[Under Section 10A of the I.D. Act, 1947]

NAME OF PARTIES

Representing employers Shri B.K. Ghosh, Manager, Western Kajora Colliery, of M/s. Western Kajora Collieriers Private Limited P.O. Raniganj, (Burdwan).

Representing employees . . . Shri Sunil Sen, Organising Secretary, Colliery Mazdoor Sabha (AITUC), G.T. Road, Asansol.

It is agreed between the parties to refer the following industrial dispute to the arbitration of Shri B.S. Sachdev, Assistant Labour Commissioner (Central), Asansol-II.

- (i) Specific matters in dispute:-
- Whether the management of Western Kajora Colliery of M/s. Western Kajora Collieries Private Limited, P.O. Raniganj, Dist. Burdwan was justified in refusing the employment of 321 workers (list enclosed) of Western Kajora Colliery on 17-3-70 was justified? If not, to what relief are the workmen entitled?"
- (ii) Details of the parties to the dispute including the name and address of the establishment or underking involved:—
- Employers in relation to Western Kajora Colliery of M/s. Western Kajora Collieries Private Limited, P.O. Ranigan, Distt Burdwan.
- (iii) Name of the union, if any representing Colliery Mazdoor Sabha (AITUC), G.T. the workmen in question:— Road, Asansol.
- (iv) Total No. of workmen employed in the 550 (approx.) undertaking affected.
- (v) Estimted number of workmen affected 321 (list enclosed). or likely to be affected by the dispute.

We further agree that the decision of the arbitrator shall be binding on us.

The arbitrator shall make his award within a period of six months or within such further time as is entered y mutual agreement between us in writing. In case the award is not made within the period above mentioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the parties (Sd).

Witnesses :-I. (Sd)./ Illigiale 14-5-70 2. (Sd)/ Illigible 14-5-70

Copy to:-

- 1. The Assistant Labour Commissioner (C), Asansol-II.
 2. The Regional Labour Commissioner(C), Asansol.
 3. The Chief Labour Commissioner(C), New Delhi.
 4. The Secretary to the Government of India, Ministry of Labour, Employment & Rehabilitation, (Department of Labour & Employment), New Delhi.

(Sd.) (B.K. GHOSH, R3presenting Employers (Sd)- SUNIL SEN, Representing Employees

Dated 14-5-70.

I hereby agree to set to an Arbitrator in the dispute.

(Sd). B.S. SACHDEV, Assistant Labour Commissioner(C), Asansol I-II.

			<u>-</u> -					
No.		N	ame					Designation
1	Lachawan Pasi				_			E. Driver.
2	Kailash Gop	-	-	·		•		E. Driver.
3	Ram Prasad Gop	•	•			-	٠.	Trammer (U.G.)
4	Garo Bind							33
5	Bindeswari Nunia							**
	Ramai Harizan							,,
7	Dasrath Nunia							> >
8	Ram Lal Harizan							3)
9	Anandi Nunia							3)
.10	Rameshwar Dubey						-	99
11	Swadarsan Harizan							33
12	Budhan Saw .							39
13	Gagan Jha .							Trammer (s)
14	Muni Lal Ghsai							3)
15	Lalji Bind .							23
16	Chhottan Bind							32
17	Khelari Bar i							33
18	Anil Gop .		•					"
19	Somnath Rajbhar							33
_20	Karu Bind							>>
21	Charu Gop .							**
_22	Rajbali Singh							Traffic
23ء	Beni Ram							Timber cooli
.24	Sasodhar Gop						·	Timber Mistry
_25	Gorkh Gosai							2)))
,26	Garbhw Gop ,					·		On-setter
.27	Sasti Akwari		·				-	Line Mistri
_28	Paltan Bari .	٠.	-		-		-	Line cooli.
.29	Sarfuddin Miya							33
30	Kewal Dhobil					-	·	Oil cooli
31	Sidhar Sharma	·	·	·				P. Driver
32	Kalika Singh	-	-					Dusting cooli
33	Sumeswar Singh		•	•	•	•	٠.	»
.34	Indarsan Jadab		·		-	·		22
35	Nagina Rajbhar		•		•	•		33
36	Paritosh Pal	·	•	•	·	·	Ţ.	Pump Driver
37	Haldhar Gop"	·	•		·	•	•	Water cooli
38	Habu Gop Bara	•	•	Ċ	•	:	:	32
39	Habu Gop. Chhotta	-	•	•	•	•		
40	Kailash Kahar	_	•	•	•	•	•	P. Č. M.
41	Bari Kahar	•	•	•	•	•	•	32
42	Feku Harizan	•	•	•	•	•		»
43	Azo Harizan	•	•	•	•	•	•	33
7)		•	•	•	•	•	•	,,

No.		Nα	me					Designation	
44	Jangli Rajbhar							P. C. M.	
45	Lalji Pandey							33	
46	Sewmuni Rajbhar							1)	
47	Badri Ram							»	
48	Hazarı Singh ,					,		,,	
49	Raghu Nandan Num	а						22	
50	Chwtar Dhobi							53	
51	Chabita _r Numa			-				53	
52	Ramawadh Gop							33	
53	Bisu Mahato		-					32	
54	Sarju Paswan	•	•	٠	•			53	
55	Ramgwlam Nonia	•	•	•	•		•	33	
56	Swgrib Singh .	•	•	•	•	•		33	
57	Khubial Saw	•	•	•	•	•	•	33	
58	Sitaram Rajbhar	•	•	•	•	•	•	93	
59	Ram Sarup Bind Salanti Harizan		•	•	•	•	•	"	
60 61	Bira Rajbhar	•	•	•	•	•	•	37	
62	Muresh Rajbhar	•	•	•	•	•	•	2)	
63	Mangraw Harijan	•	•	•	•	•		33	
64	Chaltia _I Bind	•	•	•	•	•	•	33	
65	Loki Saw	•	•	•	•	•	•	33	
66	Sukhdew Nunia	•	•	•	•	•	•	55	
67	Chhatram Patel	•	•	•	•	•	•	35	
68		•	•	•	•	•	•	33	
69		•	•	•	•	•	•	55	
70		•	•	•	•	•	•	33	
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73		•	•		•	•	•	33	
74	D 1 1 2 2		Ċ	i.		•	•)) 13	
75		:						33	
76	Sahadeb Singh .	•		·	·	-		"	
77	- ~	r					·	33	
78		_					٠.	,,	
79					•		·	,,	
80							·	**	
81	Persadi Ram .							35	
82	z Bansı Pandey .							,,	
83	Sitaram Dhobi							33	
84								12	
85								23	
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87						-		**	
88		,						"	
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90		•		•	•			33	
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92		•	•	-		•	•	23	
93	3 Shambhu Bhuina	•	•					13	
94		•	•	•	•	•		23	
9			•	•	•	•	•	19	
96			•	•		•	•	23	
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102		٠	•	•	•	•	•	***	
103		•	•	•	•	•	•	11	
102		•	•	•	•	•	•	53	
104		•	•	•	•	•	•	F. Driver	
106		٠	•	•	•	•	•	Ban. Man.	
107		•	•	•	•	•	•	B.F. Man	
108		•	•	•	•	•	•	Fitter Cooli	
109		•	•	•	•	•	•	33 33	
110		•	•	•	•	•	•))))	
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No.		Nan	1e				Designation
111	M D. Jahwr .	•		•	,		. Humar Mistry
112	Hiralal Chatterice						. 29
113	Sudhin Akuria						·
114	P.N. Singh	•	•	•		•	. Bill Clerk
115	S.C. Chatterjee	•	•	•	•	•	. Store Keeper . Office Peon
116 117	Radhesdyam Mishir M.C. Naik		•	•	•	•	Office Decon
118	Kailash Singh	•	•	•	•	•	Loading Rabu
119	Ram Sort Singh	•	•	•	•	•	Night Guard
120	Rambilas Singh	:	÷	•	•	•	• 25
121	Shwpujan Singh						. 28
122	Jowala Prasad Upadh	/ a					. 37
123	Lal Deo M shar						
124	Motilal Nunia	•	•	•	•	•	Toparlment
125	Sabadh Sarkar Arjit Bancrjee	•	•	•	•		M. Sardar
126 127	Munsi Singh .	•	•	•	•	•	. A. Fitter.
12/	Mulisi Singii .	•	•	•	•	•	. 11.11.001.
e7th Ma	arch, 1970, III Shift.						
I	Bhandari Singh						, E. Driver
2	Abdhosh Singh	•	•	•	•		. Manas Man
3	Mahadeo Mukherjee		•	•	•		, D.E. W
4	Sulewan Miya Anada Chaktavarti	•	•	•	•	•	. B.F. Man
5 6	Mangal Bind		•	•	-	•	. F. Driver . Rammer (U.G.)
7	Kittar Bind .	•	•	•		•	
8	Haripad Pall	•	•	•	•	•	• 23
9	Bhagtipado Mandi	÷	·		·	·	. 99
10	Sukhdeo Nunia						. 22
II	Ramotar Jha						. 33
12	Chandeswar Pasi						. 35
13	Chottan Singh ,		•			•	. 22
14	Robi Bouri	•	•	•	•	•	. 19
15 16	Kista Bouri . Nitai Bouri .	•	•	•	•	•	. 29
17	Samwahi Bilas Puri	•	•	•	•	•	. 22
18			Ċ	•	-	•	• 23
19				•	·	·	. 29
20	MahaJeo Parit .						Lane Cooli
21		•	•	:		•	Drilling
22				•	•	•	Pump Driver
23	1 TT 1	Ţ,	·	·	·		P. C. M.
24	. Sewnath Kumhar						, ,,
25							- 33
26	0	•		•	•		. 33
27		•	•	•	•	•	. 22
28		٠	•	•	•	•	. 23
29		•	•	•	•	•	. 33
30	T- YA TT 1		•	•	•	٠	
31 32	D	-	•	•	•	•	. ,,
33	TT 1 TT 1 TT - 1	•				·	. ,,
34	1 Nand Lal Parit				-		. 33
35	Deonarain Rajbhar						. 73
36	5 Nanu Lal Bind						. 22
37	Pokhan Saw	-				•	. >>
38			•	•	•	•	, 33
39		•	•	•	•	•	. ,,
40		•	•	•	•	•	. 1)
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s.	No		N	ame				·	Designation
	46 47	Sarjug Bhuina Dhanokhi Bhuina	:		:		:		P.C.M.
	48	Gano Bhuina							,,
	49	Sitaram Bhuina							,,
	50	Ramprasao Jeswara	•		•	•	•	•	O
	5 I	C.R. Roy .	•	•	•	•	•	•	Overman
	-52	R. C. Jha .	•	•	•	•	•	•	M. Sardar
	_	17th March 1970—In	Shi	ft.					H. Deine
	I	Kali Kisto . Ram Nath Pasi .	•	•	•	•	•	•	E. Driver
	-2 3	Chhattan Bhuina	•	•	•	•	•	٠,	Baike man
	4	J. N. Roy	. •		. •				Shot fire
	7	Gora Chand Ghosha	ľ	-	٠.	•.	•.	•	F. Driver.
	5 6	Iaigopal Mukherjee				·	·	·	E. C. Deptt.
	7	Dhiren Gope .						·	Pump khalasi
	8	Girja Pd. Verma			•				٠,
	9	Sahadeo Kurmi	•		•				Trammer U.G.
	, <u>t</u> O	Bhadu Bind .	•	•	•	•	-	•	**
	. II	Badan Baori .	•	•	-	•	•	•	3)
	12	Bengai Gop	•	•	•	•	•	•	**
	I3	Mahabir Bind . Billet Bind .	•	•	•	•	•	•	33
	. 4	Rama Nandan Gareri	9	•	•	•	•	•	Line Mistry
	.15 .16	Md. Mazid Mia		•	•	•	•	•	Line cooli
	17	Bindeshwari Singh	•	•	•	•	•	•	Timber Mistry
	ī8	Saithan Bind		•	٠.	•	•	•	Trammer (U.G.)
	19	Kisan Lal Sina		·	·	:		:))
	. 20	Samotat Dusad .				•			••
	21	Girdbari Nonia	•		•				,,
	22	Bhajo Hari Gop		•	-	•			>>
	.23	Ramjee Mahato							P. C. M.
	24	Nuri Dass	:	:	÷	:	•	•	
	25	Gajo Bind	:	-	· ·	•	•	•	99 99
	26	Gobind Gop							"
	_ 2 7	Sukhdeo Thakur	•	•	•				.,
	28	Bina Nath Raibhar		-	•	•	•		**
	. 29	Rambilas Nunia	•	•	•	-	•	•	**
	30	Nunian Manjbi Baldeo Nunia	•	•	•	•	•	•	••
	31 32	Kamai Rajbgar	•	•	•	•	•	•	**
	. 33	Figrani Thakur	•		:	•	•	•	**
	34	Badho Harizan		·	:	:	:	•	1)))
	35	Nankho Bind .				•			"
	- 36	Thakur Mahato	•			•			, ,,
	37	Halaktar Nunia		•	•	•		•	**
	38	Tilak Nunia	•	•	•	•	•	•	1)
	39	Chamari Bhuina Naradan Bhuina	٠	•	•	•	•	•	33
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	42			•	•	•	•	•	37
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	44	Narain Manjhi		•	•		•		"
	45	Nanbu Mankhi						•	
	46								
	- 47	Guru Manjhi	•	•	•				n
	48		-	•	•	•	•	•	**
	49		Mani	hi •	•	•	•	•) i
	50 50	H -			•	•	•	•	at
	52		ır .	•	•	•	•	•	87
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	54	Banbari Bhuina			•		:	:	** **
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S.No.		Nan	- 					Designation
56	Rambrich Pasi							P.C.M.
57	Nakul Manjhi							**
	Chh. Lakhiram Maji					•		***
	Dasrath Manjhi			•	•	•	-	**
60 61	Kaleshwar Bhuiana Neman Bh na		•	•	•	•	•	>>
	Ram Narain Dubey	•	•	*	•	•	•	Loader
	Radhe Nonia		•	•	•	•	•	
64	Ramoni Yadab	•	•	•	•	•	•	Trammer
65	Nuneswar Roy	:		:	:	:		Timber Mistry
66		-			•			Dresser
	Lalan Tewari			•				Bodi Checker
	Rambilas Singh	•	•		•		•	Lamp Khalasi
69	Ramanti Bhattacharya		•	•	-	•	٠	B.F. Äan
70	Adhar Hari	•	•	•	•	•	•	B.F. Man
Dated:	17th March 1970							
	Custeshor B							Loading Cooli
1	Gupteshar Roy							
2	Moti Kamin Belleshwar Bind							
3 4	Sheopujan Singh							
	Tambati Kamin							
5 6	Dhanawa Kamin							
7	Jamuni Kamin							
8	Bhadeshri Bauri							
9	Godawa Bouri							
10	Khandu Kamin							
11	Kamalı Kamin Sharshati Kamin							
12 13	Dasi Kamin No. 1							
14	Ramprabesh Roy							
15	Gouri Shaw							
rő	Sheoshankar Kurmi							
17	Dhaneshwari Kamin							
18	Pari Kamin							
19	Chari Kamın							
20	Chur ai Dhagar Mangli Kamin							
21 22	Murali Dhar Gope							
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24	Mangali Kamin							
25	Rukmani Kamin							
26								
27	Muni Kamin							
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33	Narain Das							
34	Harı							
35	Surajmani Majhain							
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*37 38								
39 39								
-39 -40								
41	Jagadish Turl							
42	Jai Chand Kora							
43	Janki Singh							
44	Sajari Kamin							
45	Menuka Kamin							
46	Kamala Kamin							
	Maya Kamin							
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S. No. Name 52 Mangal 53 54 Abhi Lukhan 55 56 57 58 59 60 Shanker Bawari Gobind Pradhan Bhalu Tirnath Haripada Gope Santo shil Siga Majhi 62 б3 Ajitshil 64 Jalı Kamir Budhawir Kamin No. 1. Sukarmani Kamin No. 1 67 Chanchala Kamin Sarojmani Kamin No. 1 69 Supal Majhi Binod 70 Surajmuni Kamin No. 2 71

Surajmani

[No. 8/86/70-LRII.]

नई दिल्ली, 10 सितम्बर 1970

का० आ० ३०११ --- यतः मेसर्स वेस्टर्ने कजोरा कोलियरीज प्राइवेट लिमिटेड डाल्घर रानीगंज जिला बर्दवान की पश्चिमी कजोरा कोयला खान के प्रबन्धतन्त्र से सम्बद्ध नियोजका ग्रीर खनके कर्मकारों के बीच. जिनका प्रतिनिधित्व कोलियरी मजदूर सभा (ए० आई० टी० यु० सी०), जी ० टी ० रोड श्रासनसोल जिला बर्दवान करती है एक श्रीधोगिक विवाद विद्यमान है ;

भीर यतः एकत नियोजकों भीर कमकारों ने भीद्योगिक विवाद भ्रधिनियम 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबन्धों के अनुसरण में उक्त विवाद को एक लिखित करार द्वारा उसमें विनिद्दिंग्ट व्यक्ति के माध्यस्थम के लिए निर्देशित करने का करार कर िलया है भ्रौर उक्त करार की एक प्रति केन्द्रीय सरकार को भेजी गई है ;

श्रतः श्रब श्रौद्योगिक विवाद श्रिधिनियम 1947 (1947 का 14) की धारा 10-क की उपधारा (3) के उपबन्धों के प्रनुसरण मे, केन्द्रीय सरकार उक्त माध्यस्थम् करार को, एतदुहारा प्रकाशित करती है।

प्ररूप "ग"

(ग्रोद्योगिक विवाद प्रधिनियम 1947 की धारा 10-क के प्रधीन)

पक्षकारीं के नाम

नियोजकों के प्रतिनिधि:-- श्री बी० के० घोष, प्रबन्धक, पश्चिमी कजोरा कोयला खान, मेसर्स बेस्टर्न कजोरा कोलियरीज प्राइवेट लिमिटेड, डाकघर रानीगंज (बर्दवान), कर्मचरायों के प्रतिनिधि :--- श्री सूनील सेन, श्रार्गनाइजिंग सेकेटरी, कोलियरी मजदूर सभा (ए० श्राई० टी० यू० सी०) जी० टी० रोड, श्रासनसोल।

पक्षकारों के बीच निम्नलिखित श्रीधोगिक विवाद को श्री बी० एस० सचदेव, सहायक श्रम आयुक्त (केन्द्रीय), भ्रासनसोल—-II के माध्यस्थम के लिए निर्देशित करने का करार किया गया **€** :---

विनिर्विष्ट विश्वाचित्रस्त विषय:——

'क्या मेसर्स वस्टर्न कजोरा कोलियरीज प्राइवेट लिमिटेड, डाकघर रानीगंज, जिला बर्दवान की पश्चिमी कजोरा कीथला खान के प्रबन्धतन्त्र का 17-3-70 को पश्चिमी

कजोरा कीयला खान के 321 कर्मकारों (सूची संखग्न) के नियोजन से	ं <mark>इंकार</mark>
करना न्यायोचित था ? यदि नहीं, तो कर्मकार किस ग्रनुतोष के ह	कदार
हैं ?	

 (ii) विवाद के पक्ष कारों का ब्योरा, जिसमें अन्तर्वेलित स्थापन या उपक्रम का नाम और पता भी सम्मिलित है। मेसर्स वेस्टर्न कजोरा कोलियरीज प्राइवेट लिमिटेड, डाकघर रानीगंज, जिला बर्दवान की पश्चिमी कजोरा कोयला खान से सम्बद्ध नियोजक।

(iii) यदि कोई संघ प्रक्त गत कर्मकारों का प्रतिनिधित्व करता हो तो उसका नाम कोलियरी मजदूर सभा (ए० स्राई० टी० यू० सी) जी० टी० रोड, ग्रासनसोल।

(IV) प्रभावित उपक्रम में नियोजित कर्मकारों लगभग 550 की कुल संख्या

(V) विवाद द्वारा प्रभावित या सम्भाव्यतः प्रभावित होने वाले कर्मकारों की अनु-

321 (सूची संलग्न)

हम यह करार ग्रीर करते हैं कि मध्यस्य का विनिश्चय हम पर श्राबद्धकर होगा।

मध्यस्थ त्राना पंचाट छः महीने की कालावधि के भीतर या इतने और समय के भीतर जो हमारे गीच पारस्परिक लिखित करार द्वारा बढ़ाया जाय, देगा। यदि ऊपर वर्णित कालावधि के भीतर पंचाट नहीं दिया जाता तो माध्यस्थम् के लिए निर्देश स्वतः रद्द हो जाएगा और हम नए माध्यस्थम् के लिए बातजीन करने को स्वतन्त्व होंग।

पक्षकारों के हस्ताक्षर

ह० नियोजकों के प्रतिनिधि ह० कर्मचारियों के प्रतिनिधि

साक्षी:

1.

2.

ऋ०सं०	न(म						पदनाम
1. 8	न ञ्चन पामी						ई० चालक
2. कै	लाश गोप						ई० चालक
.3, ₹	रामप्रशाद गोप			•			ट्रेमर (यू० जी०)
4. 1	गोरो बिन्द .	•		•	•	•	" "
5. f	बेन्देश्वरी नुनिया	•	•	•	•	•	n n

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17

ा, ,, पी० सी० एम०

पम्प चालक

जल कुली

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इन्द्रासन यादव

नगीन रजभार

परिताष पाल

हबुगोप बड़ा

हबुगोप छोटा

कैलाश कहार

बरी कहार

फेकु हरिजन

हलधर गोप

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ऋ०सं०	नाम					पदनाम
43.	थ्राजो हरिजन					पी० सी० एम०
44.	बंगली रजभार					11
45.	लालजी पाण्डे			•		p†
46.	सेवमुनी राजभार				•	"
47.	बद्री राम				•	n
48.	हजारी सिंह		. ,			77
49.	रष्टुनन्दन नुनिया					11 -1
50.	चतर धोबी					1)
51.	चबीतर नुनिय					19.
52.	रामग्रवध गोप			,		11.
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[सं० 8/86/70-एल० म्रार० (ii)]

New Delhi, the 11th September 1970

S.O. 3100.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to Messrs D. D. Chakraborty and Brothers, Contractors, Smithy Shop in Neamatpur Workshop of Messrs Equitable Coal Company Limited, Post Office Sitarampur, District Burdwan and their workmen, which was received by the Central Government on the 7th September, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA REFERENCE No. 20 of 1970

PARTIES:

Employers in relation to Messrs D. D. Chakraborty & Brothers, Contractors, Smithy Shop in Neamatpur Workshop of M/s. Equitable Coal Company Limited,

AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee—Presiding Officer.

AFFEARANCES:

On behalf of Employers—Sri Arun Prokash Sircar, Advocate.
On behalf of Workmen—Sri Pushpamay Das Gupta, Advocate.

STATE: West Bengal

INDUSTRY: Coal Mines

AWARD

By Order No. 6/16/70.LR.II, dated June 1, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to Messrs D. D. Chakraborty and Brothers, Contractors of the Smithy Shop in Neamatpur Workshop of Equitable Coal Company Limited and their workmen, to this Tribunal, for adjudication, namely:

- "Whether Messrs D. D. Chakraborty and Brothers, Contractor Smithy Shop in Neamatpur Workshop of Messrs. Equitable Coal Company, Limited, Post Office Sitarampur, District Burdwan are justified in not granting of annual increment due on the 15th August 1968 and on the 15th August, 1969, and the payment of dearness allowance in accordance with the recommendations of the Central Wage Board for Coal Mining Industry as accepted by the Government of India in their resolution No. WB.16(5)/66, dated the 21st July 1967. If not, to what relief are the workmen entitled and from what date?"
- 2. According to the case pleaded by the workmen, represented by Colliery Mazdoor Congress (HMS), Messrs D. D. Chakraborty and Brothers were working as contractors of the Smithy Shop in Neamatpur Workshop of Equitable Coal Company Limited and were engaged in manufacturing coal tubs, cages, conveyors, etc. and also in repairing coal cutting machine and other equipments required for the purpose of loading and transporting coal from different mines belonging to Equitable Coal Company Limited. It was further pleaded that there were about 15 workmen employed in the Smithy, who all became entitled to wages according to the recommendations of the Central Wage Board for Coal Mining Industry, which were implemented by Messrs D. D. Chakraborty and Brothers and in fact payments, according to the recommendations, were made for sometime. Thereafter, it was pleaded, that when time for increment arrived in the year of 1968 and 1969, the employers, in utter violation of the recommendations, wrongfully and illegally refused to give the increments to the workmen. It was also pleaded that the employers refused to pay to the workmen variable dearness allowance above 78 paise, which was only payable during the period August 15, 1967 to September 30, 1967. On these allegations the workmen claimed increments in wages and dearness allowance in terms of the recommendations of the Central Wage Board for Coal Mining Industry.
- 3. Messrs D. D. Chakraborty and Brothers also filed a written statement. In paragraphs 2 and 3 of the said written statement it was pleaded:
 - "(2) That M/s. Equitable Coal Co. Ltd. the owner of Neamatpur Workshop are the actual Employers of the workmen working in Smithy Shop of the said Factory under the abovenamed Contractors and the subject matter of this Reference cannot be effectively adjudicated in their absence.
 - (3) That this answering party has or had no concern whatsoever with the recommendations of the Central Wage Board for Coal Mining Industry as accepted by the Government of India in their resolution

quoted in the Schedule of the order of Reference and they have no obligation either moral or legal for implementing the said recommendations."

It was further pleaded, in paragraph 8 of the written statement:

"(8) That the Principal Employers since the time of the predecessor of this answering party have been paying for the contract jobs performed by them on the rates fixed by them vide their Work Order *** and the said contract jobs were previously performed by employing casual and temporary labourers who were used to be engaged periodically on the receipt of Company's Orders and this system followed for a long time."

The reason why D. D. Chakraborty and Brothers tried to escape payment according to the recommendations of the Central Wage Board for Coal Mining Industry appears from paragraph 10 of the written statement, which is set out hereinbelow:

"That D. D. Chakraborty and other Contractors refused to pay the said emoluments and demanded that such payments have to be made by the Principal Employer the aforesaid Company and the same was agreed to by the Company ***."

In elaboration of what was stated in paragraph 10, it was further stated in paragraphs 17, 18 and 19 of the written statement:

- "(17) That when the rates of wages of the employees working in Neamatpur Workshop became due to be enhanced in accordance with recommendations of the Central Wage Board for Coal Mining Industry, the Company caused this answering padty to pay the wages of their workmen on such enhanced rate with the specific understanding that they will be compensated for the extra cost which will be borne by them for making payment on such enhanced rate.
- That the said assurance on behalf of the Company was given by the Company's Chief Engineer and Workshop Manager but this answering party have not been compensated as yet for the aforesaid payments on enhanced rates made to their employees.
- (18) That this answering party became entitle to receive about a sum of Rs. 38,000 on the aforesaid Account upto February 1970 from the Company and repeatedly approached the Company for paying their aforesaid dues and for Company's failure to pay the same this Answering Party has met with a financial collapse and they have become unable now even to pay the monthly dues of their workmen.
- (19) That due to the aforesaid attitude of the Company the Contractors have not been able to grant any annual increment to their workmen which became payable on 15th August 1968 and 15th August 1969 and the payment of Dearness Allowance on Wage Board's recommendation rates."

It is in the background of these pleadings that I have to decide the reference.

- 4. On the date fixed for hearing of reference, there was an application moved on behalf of the workmen, under Section 18(3)(b) of the Industrial Disputes Act, for issue of summons, on the Equitable Coal Company Limited, to appear in the proceeding as a party. The application was made on the ground that:
 - "That said Equitable Coal Company for all practical purpose is the employer of these workmen under reference and whenever any improvement of wages and other service conditions have been effected on work of the said Colliery, the said improvement of wages and other conditions have been applied on these workmen through the said agent M/s. D. D. Chakraborty and Brothers and the said M/s. Equitable Coal Company Ltd. is the necessary party."

On mature consideration, however, Mr. Pushpamoy Das Gupta, learned Advocate for the workmen, decided not to press the application and gave up the prayer for addition of Equitable Coal Company as a party to this reference. This reference therefore proceeded in the absence of Equitable Coal Company Ltd. as a party.

- 5. The first question for my consideration is whether the concerned workmen are employees of Equitable Coal Company Limited or of Messrs D. D. Chakraborty and Brothers. In this context, paragraphs 1 and 3 of the written statement filed by the workmen are of relevant consideration:
 - "(1) That M/s. D. D. Chakraborty and Brothers (hereinafter referred to as the "Employers") have been working as a Contractor of the Smithy shop in the Neamatpur Workshop of Messrs Equitable Coal Company Limited for about 40 years.
 - (2) *** *** ***
 - (3) That altogether 15 persons are employed with the employers who are all members of the Union affiliated to Colliery Mazdoor Congress."

Thus, in paragraph 3, there is a clear admission by the workmen that they are all employees under D. D. Chakraborty and Brothers, thereby excluding service under the Equitable Coal Company Limited. Further, the trend of what is stated in paragraphs 8, 10 and 17 to 19 of the written statement filed by D. D. Chakraborty and Brothers indicated that the workmen were really their employees and they would have been paid their emoluments according to the recommendations of the Central Wage Board for Coal Mining Industry, had D. D. Chakraborty and Brothers been reimbursed of the additional costs to be incurred by the Equitable Coal Company Limited. The above paragraphs contain an implied admission that the workmen were workmen not of Equitable Coal Company Limited but of D. D. Chakraborty and Brothers.

- 6. So far as documents are concerned, they give support to the fact that the workmen were workmen of D. D. Chakraborty and Brothers I refer to some of the documents. Ex. 8 is an agreement regarding holiday, sick-leave, payment to permanent contract labour at tram shop and moulding shop of Neamatpur workshop. The agreement is couched in the following language:
 - "The Contractor agreed to pay all his employees at their usual rate for such holidays as are recognised for this Workshop generally, and for sanctioned holidays leave and for sick leave on the basis in force at this Workshop, this arrangement to operate from the first of October, 1947. (Underlined by me for emphasis).
 - (2) The employees of the Contractor agree to abide by the rules regulating payment for holiday leave or sick leave as are in force at the Workshop, as posted in the Workshop. (Underlined by me for emphasis).
 - (3) To meet the cost of such payment the Company will pay the Contractor an allowance equal to 5 per cent of the cost of work done from 1st October 1947, as represented by the monthly bills."

Ex. 10 is a letter written by the Works Manager of Equitable Coal Company Limited to the contractor (namely D. D. Chakraborty and Brothers) and is couched in the following language:

"Dear Sir,

Sub: Tribunal Award.

- Attached please find a list of your Employees Showing Basic Wage, D.A. C.A. Free Rice Allowance and number of ration units etc.
- Will you please complete Col. 4 regarding Categories and return to me at an early date.
- Any assistance you may require can be obtained from the Time Keeper." (Underlined by me).

This also supports the theory that the workmen were workmen under the Contractor,

- 7. Someswar Chakraborty, one of the Partners of D. D. Chakraborty and Brothers, deposed in this reference. He stated in his examination in-chief:
 - "D. D. Chakraborty & Brothers manufacture coal tubs, parts of coal cutting machines, etc. for Equitable Coal Company Limited. These works are done inside the Neamatpur Workshop of the Company. If the Company asks the Partnership to employ a given number of workmen, such number of workmen are employed by the Partnership. We have permanent gang of workmen. If there be special work to be done, Equitable Coal Company Ltd. asks us to employ extra number of workmen. In 1968, the number of permanent workmen was

24. In 1969, 9 workmen were retrenched and the number was reduced to 15. The Partnership pays the basic pay to the workmen. The excess over that is paid by the Equitable Coal Company Ltd."

He further stated in examination-in-chief:

"The annual increment is granted by the Company to the workmen." The Tribunal asked him to clarify what he meant thereby and he clarified the above statement with the following further statements:

"What I mean to say is that the amount of increment is handed over to the partnership firm by Equitable Coal Company Ltd. which is distributed to the workmen."

He further stated, in the course of his examination in-chief:

"For the year 1968-69, dearness allowance and increments have been paid by the company on bills made out by ourselves."

Ultimately, in answer to a question by the Tribunal, he stated:

"The fact that the Company consented to pay to the workmen, engaged in the workshop, dearness allowance, bonus, Provident fund contribution and implementing according to the recommendations of the Wage Board was verbaly agreed upon. That was never introduced into writing."

Thus, there is sufficient evidence to show that the workmen were employed by D. D. Chakraborty and Brothers and were their workmen.

- 8. The next qestion for my consideration is by whom the payments according to the recommendations of Central Wage Board for Coal Mining Industry are to be made to the workmen. From what is pleaded and also from Ex. 6, it appears that the arrangement between the Equitable Coal Company and D. D. Chakraborty and Brothers was that they were, under a contract, to manufacture goods and repair things according to the requirement of Equitable Coal Company Limited. Certain rates were fixed for such contract. In the performance of the said work, the contractors used to employ workmen of their own. When the Equitable Coal Company Limited implemented the recommendations of the Central Wage Board for Coal Mining Industry, there appears to have a further contract between the Equitable Coal Company Limited and Messrs D. D. Chakraborty and Brothers with Equitable Coal Company Limited to bear the burden of extra emoluments to be paid by the contractors' to their labourers under the recommendations of the Wage Board. Thus, there were two agreements, one the agreement between Messrs D. D. Chakraborty and Brothers and their employees, under which their employees became entitled to get remuneration and emoluments according to the recommendations of the Central wage Board for Coal Mining Industry, and another agreement between Equitable Coal Company Limited and Messrs D. D. Chakraborty and Brothers, if there was any at all, under which the latter became entitled to get such reimbursement of the extra burden under the Wage Board recommendation from Equitable Coal Company Limited have stopped should being the extra burden, as is the case of Messrs D. D. Chakraborty and Brothers, that is no reason why the workmen should be deprived of their wages and emoluments under the recommendations of the Central Wage Board. According to what is expressly pleaded, the workmen were being paid according to the recommendations of the Central Wage Board. The Equitable Coal Company Limited for the extra burden under the recommendations of the Wage Boar
- 9. In the view that I take, I hold that Messrs D. D. Chakraborty and Brothers, contractors, Smithy Shop in Neamatpur Workshop of Messrs Equitable Coal Company, Limited, were not justified in not granting annual increment on 15th August, 1968 and 15th August, 1969 and the payment of dearness allowance in accordance with the recommendations of the Central Wage Board for Coal Mining Industry as accepted by the Government of India in their Resolution.

No. WB16(5)/66 dated the 21st July, 1967. The workmen are entitled to those two increments from the contractors, when such increments fell due.

This is my award,

Dated, August 29, 1970.

(Sd.) B. N. BANERJEE,
Presiding Officer.
[No. 6/16/70-LRII.]

ORDER

New Delhi, the 5th September, 1970

S.O 3101.—Wereas the Industrial disputes specified in the Schedule hereto annexed (hereinafter referred to as the said disputes) were pending before Shri Mohammed Najmuddin, Presiding Officer, Central Industrial Tribunal with headquarters at Hyderabad.

And whereas Shri Mohammad Najmuddin's services have ceased to be available;

Now, therefoze in excercise of the powers—conferred by section 7A, and sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri T. Chandrasekhara Reddy, as the Presiding Officer with headquarters at Hyderabad, withdraws the proceedings in relation to the said disputes from Shri Mohammad Najmuddin and transfers the same to Shri T. Chandrasekhara Reddy, Presiding Officer, Industrial Tribunal, Hyderabad, for the disposal of the said disputes with the direction that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDUI E

S. No.	Parties to dispute	Reference No. and date of Industrial dispute
1.	Messrs B. S. Narayana and Company, Visakhapatnam and six other employers and their workmen.	28/26/65-LRIV, dat the 23rd March 1965.
2.	Secretary, Shipping Employers' Federation, Visakhapatnam and their workmen.	28/88/65-LRIV, dated the 17th November, 1965.
3.	Singareni Collieries Company Limited and their workmen	7/21/67-LRII, dated the 30th October, 1967.
4.	Singareni Collieries Company Limited and their workmen	7/51/68-LRII, dated the 17th July, 1969.
5٠	Singareni Collieries Company Limited and their workmen	7/22/68-LRII, dated the 21st July, 1969.
6.	Allahabad Bank and their workmen	23/25/69-LRIII, dated the 17th July, 1969.
7.	Singareni Collierles Company Limited and their workmen	7/29/68:LRII, dated the 22nd August, 1969.
8.	Listed employers of Messrs Sarat Chatterjee and Company Limited, Visakhapatnam and 28th others and their workmen.	29/52/69-LRI-III, dated the 16th August, 1969.
9.	Singareni Gollieries Company Limited and their workmen	7/6/69-LRII, dated the 5th September, 1969.
10.	Singareni Collieries Company Limited and their workmen	7/53/68-LRII, dated the 16th September, 1969.

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8. No.	Parties to dispute	Reference No. and date of Industrial dispute
11.	Singareni Collieries Company Limited and their workmen	7/24/68-LRII, dated the 16th September, 1969.
12.	Singareni Collieries Company Limited and their workmen	7/49/68-LRII, dated the 26th September, 1969.
13.	Singareni Collieries Company Limited and their Workmen	1/55/68-LRII, dated the 26th September, 1969.
14.	Singareni Collieries Company Limited and their workmen , ,	7/31/68-LRII, dated the 30th September, 1969.
15.	Singareni Collieries Company Limited and their workmen	7/1/69-LRII, dated the 29th October 1969.
16.	Singarchi Collieries Company Limited and their workmen	7/11/69-LRII, dated the 5th December, 1969.
17.	Hutti Gold Mines Company Limited, Post Office Hutti, District Raichur, Mysore State and their workmen	24/70/69-LRII, dated the 10th December, 1969.
18.	Singareni Collieries Company Limited, and their workmen	7/34/68-LRII, dated the 19th January, 1970.
19.	Singareni Collieries Company Limited, and their workmen	7/29/69-LRII. dated the 20th January, 1970.
20.	Bank of Baroda and their workmen	23/84/69-LRIII, dated the 15th January, 1970.
21.	Singareni Collieries Company Limited, and their workmen	7/27/69-LRII, dated the 28th January, 1970.
22.	Ruby General Insurance Company Limited, Hyderabad and their workmen.	
23.	Singareni Collieries Company Limited and their workemn	7/36/68-LRII, dated the 27th May, 1970.
24.	Singareni Collieries Company Limited and their workmen	7/17/69-LRII, dated the 2nd July, 1970.

[No. 8/106/70-LRII).

P. C. MISRA, Under Secy.

पावेश

नई दिल्ली 5 सितम्बर 1970

का० प्रा० 3101.—यत इससे उपावत अनुसूची में विनिरिष्ट भीशोगिक विवाद (जिन्हें इसमें इसके पश्चात उक्त विवाद कहा गया है) श्री मोहम्मद नजमृद्दीन, पीठासीन अधिकारी, केन्द्रीय श्रोधोगिक श्रधिकरण, जिसका मुख्यालय हैंदराबाद है, के समक्ष लिम्बत थे। श्रीर यतः श्री मोहम्मद नजमृद्दीन की सेवाएं उपलक्ष्य नहीं रही है।

ग्रतः, भ्रब, भौद्योगिक विवाद ग्रिधिनियम, 1947 (1947 का 14) की धारा 7 क श्रौर धारा 33ख की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा एक श्रौधोगिक ग्रिधिकरण गठित करती है जिसके पीठासीन भ्रधिकारी श्री टी० चन्द्रशेखर रहे होंगे, जिनका मुख्यालय हैदराबाद होगा, उक्त विवादों से सम्बन्धित कार्यवाहियों को श्री मोहम्मद नजमुद्दीन से प्रत्याह्मत करती है ग्रौर उन्हें श्री टी० चन्द्रगेखर रेड्डी, पीठामीन ग्राविकारी, ग्रौधोगिक ग्राधिकरण ,हैदराबाद को उक्त विवादों के निपटारे के लिए इस निदेश के माथ ग्रन्तरित करती क उक्त ग्राधिकरण उन कार्यवाहियों पर उस प्रक्रम से ग्रागे कार्यवाही करेगा जिस पर उन्हें उसके पाम ग्रन्तरित किया गया है ग्रौर उनका विधि के श्रनुसार निपटारा करेगा।

ग्रनुसू ची

विवाद के पक्षकार ऋम सं० ग्रीचोगिक विवाद की निर्देश सं० ग्रौर तारीख मेसर्स बी० एस० नारायण एंड कम्पनी, विशाखा- 28/26/65—एल० ग्रार० ${
m IV}$, तारीख पटनम् ग्रौर छः भ्रन्य नियोजक भ्रौर उनके 23 - 3 - 65कॅमकार । सचिव, शिर्पिग एम्पलायर्स फेडरेशन, विशाखा-28/88/65---एल० IV, म्रार० पटनम् ग्रौर उसके कर्मकार तारीखा 17-11-65 सिंग्रेनी कोलियरीज कम्पनी लिमिटेड भौर उसके 7/21/67—एल० म्रार० II, कर्मकार तारीख 30-10-67 सिंग्रेनी कोलियरीज कम्पनी लिमिटेंड भौर उसके 7/51/68--एल० म्रार० II, कर्मकार तारीख 17--7--69 यथोक्त 7/22/68--एल० म्रार० II, 5. तारीख 21-7-69 इलाहाबाद बैंक भ्रौर उसके कर्मकार 23/25/69—एल० ग्रार० III, तारीख 17-7-69 सिग्रेनी कोलियरीज कम्पनी लिमिटेड श्रीर उसके 7/29/68--- एल० श्रार**ा**, कर्मकार तारीख 22-8-69 मेसस सरत चटर्जी एंड कम्पनी लिमिटेड विशाखा- 29/52/69--एल० डब्ल्यू० III, पटनम् के सूचीबद्ध नियोजक तथा 28 श्रन्य श्रीर तारीख 16-8-69 उनके कर्मकार सिंग्रेनी कोलियरीज कम्पनी लिमिटेड ग्रोर उसके 7/6/69—एल० श्रार**ः II.** कर्मकार तारीख 5-9-69 यथोवत 7/53/68---एल० श्रार० II. 10. तारीख 16-9-69 7/24/68--एल० भ्रार० II, 11. यथोक्त तारीख 16-9-69

1	2	3
12	सिग्रेनी कोलियरीज कम्पनी लिमिटेड श्रौर उसके कर्मकार	7/49/68——एल० म्राप्ट० II, तारीब 26 9 69
13	द थोदत	55/68——एल० म्रार II , ता रीख 26—9—69
14	यथोक्त	7/31/68——एल० घा ० II त.रीख 30— —6
15	यथोक्त	7/1/69—एल० म्नार० II तारींख 29-10-69
16	यथोक्त	7/11/69—एल० श्रार∘ II तारीख 5—12—69
17	हुत्ती गोल्ड माइन्स कम्पनी लिमिटेड डाकघर, हुत्ती, जिला रायचूर, मैसूर राज्य श्रौर उसके कर्मकार	24—/70/69——एल० श्रार० IV तारीख 1012-69
18	सिंग्रेनी कोलियरीज कम्पनी लिमिटेड श्रीर उसके कर्मकार	7/34/68—एल० म्रार० II , तारीख 19—1—70
19	यथोक्त	7/29/69—एल० म्रार० II, तारीख 20—1—70
20	बैंक ग्राफ बडौदा श्रौर इसके कर्मकार	2384/69—— ए० प्यार० तारीख 5—1—70
21	सिंग्रेनी कोलियरीज कम्पनी लिमिटेड श्रौर उसके कमकार	7/27/69—एल० घ्रार II तारीख 28—1—70
22	रूबी जनरल इंश्योरेंस कम्पनी लिमिटेड, हैंदराबाद ग्रौर उसके कमकार	४ 40/2/70—–एल० म्रार० I तारीख 9−2−70
23	सिग्नेनी कोलियरीज कम्पनी लिमिटेड श्रौर उसके कमकार	7/36/68—-एल० म्रार० II तारीख 27-5-70
24	यथोक्त	7/1 7 /69—एल० झार II तारींख 2—7—70

[सं० एफ० 8/106---70/एल० श्रार**० II**]

पि०सि सिश्रा, श्रवर सचिव।

(Department of Labour and Employment)

New Delhi, the 3rd September 1970

S.O. 3102.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Delhi in the industrial dispute between the employers in relation to the Indian Bank Limited and their workmen, which was received by the Central Government on the 28th August, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI PRESENT:

Shri R. K. Baweja, Central Government Industrial Tribunal, Delhi.

7th August, 1970/16th Sravan, 1892(S)

REFERENCE I.D. No. 8 of 1969

BETWEEN

The management of Indian Bank Limited.

Ann

Their workmen.

Shri Amrish Kumar-for the Bank.

Shri Madan Mohan—for the workman/union.

AWARD

Vide Order No. 23/33/69-LRII, dated 5th July, 1969 the Central Government referred to this Tribunal for adjudication, an industrial dispute existing between the employers in relation to the management of Indian Bank Limited (hereinfafter to be referred as the Bank) and their workman in respect of the matters specified in the schedule below:—

"Whether the actions of the management of the Indian Bank Limited, New Delhi in not confirming Shri Satish Chandra Gupta, Peon with effect from 1st January, 1968 and in terminating his services with effect from the 28th March, 1969 were justfled? If not, to what relief is the workman entitled?"

- 2. In the statement of claim which was filed by the general secretary of the Indian Bank Employees' Union, New Delhi (hereinafter to be referred as the Union), on behalf of the workman, it was alleged that he was appointed as a peon by the bank on a salary of Rs. 92/- per mensem besides other allowances with effect from the 1st of January. 1968. His appointment was on probation for a period of six months. The bank, it was alleged, was paying him the salary at the daily rate by excluding all Sundays and holidays. After the expiry of six months, he was neither confirmed nor was he allowed to contribute towards provident fund. He brought this to the notice of the union and the union referred this matter to the Regional Labour Commissioner (Central) as the apprehension in the mind of the workman was that his services might be terminated at and time. The reply sent to the Labour Commissioner (Central) by the bank was that the workman had been appointed by its then Agent without the sanction of the head office and so, he was treated to be an employee on daily wages. Thereafter, his services were terminated with effect from the 28th of March, 1969. This realy did not satisfy the union and the Assistant Labour Commissioner (Central) was moved for initiating conciliation proceedings. As the conciliation efforts failed, the present reference was made. The union described the action of the bank as illegal, mala fide and against the provisions of the Bipartite settlement. It was, therefore, prayed that the bank be directed to reinstate the workman with full back wages and continuity in service.
- 3. The bank in its written statement pleaded that the dispute was not an industrial dispute but this objection was not pressed. On facts, it was admitted that the concerned workman was appointed as a peon but in the letter of appointment it was wrongly stated that he was a probationer, that the Agent of the branch office at Delhi had not the authority to appoint him as such and that for that reason, he was not being shown as a permanent employee in the attendance or salary register. According to the bank, as the workman was a casual worker, his services were validly terminated. A rejoinder was also filed by the union in reply to the written statement filed by the bank.
- 4. It is not disputed that in 1968 Shri K. V. Ramamurthi was the Agent of the branch of the bank in New Delhi. By a letter dated 1st January, 1968 Ext. W/1, he appointed the concerned workman as a peon in the service of the bank on a slary of Rs. 92/- per month besides other allowances mentioned therein on the following terms and conditions:—
 - "(1) You will be bound by the bye-laws of the Bank.
 - (2) You will have to work in any office of the Bank as the Bank require you to work from time to time.

- (3) You will be on probation with salary for a period of six months. If during or at the end of the period of probation, your work is found to be not satisfactory your services may be terminated in a month's notice or on payment of a month's salary and allowance.
- (4) You should do any work that may be entrusted to you and actually work in such department as may be designated from time to time."

On the 28th of March, 1969 his services were terminated by a letter Ext. W/2 in which it was stated that under instructions from the head office, his services as a temporary worker on daily wages, were terminated with immediate effect. The letter of appointment clearly indicates that the workman was appointed as a probationer for a period of six months. It never stated that he was a casual or temporary worker as is now pleaded in the written statement. In the letter terminating his services, though he was described as a temporary workman, but in fact his letter of appointment never described him as such. The contention raised on behalf of the bank was that he was, under a mistake, described as a probationer in the letter of appointment inasmuch as the then Agent who appointed him exceeded his powers and that he could not appoint a peon on probation without the sanction of the head office. It is to be noted that a copy of the letter of appointment was endorsed to the head office which is quite clear from the endorsement on Ext. W/1. The Agent, when he appeared in the witness box deposed that though it was so stated in the document, yet he did not endorse a copy to the head office. When asked as to why he appointed the workman on probation if he had no authority to do so without the sanction from the head office, he replied that it was a mistake on his part. He was transferred from the New Delhi branch of the bank on the 11th of April, 1968 and uptil that date he entered the name of the workman in the attendance register. It is not clear when this mistake was detected and if really the appointment was made under some mistake or notion, then he should have informed the workman that he was not an employee on probation but a temporary or casual employee. But neither the agent nor his successor ever modified the original order of appointment. The Agent even stated that for appointment of casual employees he had to obtain the permission of the head office. If it was so, the plea that the Agent could appoint a casual employee is not sustainable. The sanction of the head office for such an appointment was never obtained and the workman was continued till 28th of March. 1969. I may add here that the union placed on the record another letter dated 15th of October, 1958 Ext. W/3 which was issued by the then Agent to one Shri Devraj Sharma. By that letter, the agent appointed Shri Sharma as a peon. This was produced in order to prove that the agent was competent to appoint a peon in its branch and in 1958 such an appointment was made by the then agent. It was pointed out that the place has been that the been agent to be a second to the them. the then agent. It was pointed out that the plea now raised by the bank that the ngent was not in a position to appoint a poon was false. There is no mention in Ext. W/3 that the agent had obtained the prior approval of the head office for appointing Shri Devraj Sharma as a peon. This letter, therefore, proves the contention of the workman that the agent was fully authorised in 1958 to appoint a peon and so, his appointment on the 1st of January, 1968 as a probationer for a period of six months was within the competence of the agent and the subsequence of the agent agent and the subsequence of the agent and the subsequence of the agent agent and the subsequence of the agent quent pleas raised by the bank that the agent even could not employ a casual employee muchless a permanent employee or a probationer was not borne out from the facts. On behalf of the bank my attention was drawn to several documents. The first is the power of attorney dated the 23rd of June, 1959. It was issued by the bank in favour of Shri Ramaurthi who was then an accountant in the Poona branch of the bank. By this power of attorney the bank authorised the accountant to deal with the receipts, payments, deposits, negotiable instruments and debts due to the bank. The contention raised on behalf of the bank agent or the accountant was competent to make the appointment of peons, it would have been so stated in this power of attorney. It is to be noted that this power of attorney was issued to Shri Ramamurthi when he was accountant and not as an agent. It is true that when he was appointed as an agent he still exercised those powers mentioned in the power of attorney and no new power of attorney was executed in his favour by the bank. This power of attorney is, however, not exhaustive and only deals with the financial powers of the agent. It does not refer to the administrative control of the agent over the subordinate staff which he exercise. So, this document in my view does not help in any way the plea raised by the bank. My attention was also drawn to other documents Exts. M/2 to M/12. These are letters which were issued by the head office to the branch offices of the bank in Delhl. In these letters, approval are given by the head office to the appointment of certain persons in the branches. An argument was built on these letters by the learned counsel for the bank and it was stated that this evidence conclusively establish

that the agent could not appoint a candidate in his branch without the approval of the mead office. In my view, these documents prove at the most that in certain cases the head office gave directions to the agents for the appointment of several persons and being subordinate offices, the agents of the local branches had to accept those directions. But it does not indicate that the agent had no power to appoint a peon. No rules or instructions have been placed on the record by the bank in order to show that the agents of the local branches at Dellii or of any other branch of the bank in the country were not competent to appoint peons. I do not think that Shri Ramamurthi who had been in the employment of the bank as an accountant and then as an agent should have committed this mistake if he knew that he was not competent to make this appointment. Subsequently when he came to know about it, neither he nor his successor ever intimated the workman that his appointment was as a temforacy of casual worker. I am not prepared to accept this part of the statement of the agent that a copy of the appointment letter was not endorsed to the head office when there is such an endorsement on that letter. If the head office considered that the agent had exceeded his rowers, it should have at once on receipt of the copy of the letter of appointment directed the egent to revoke his order. But even the head office slept over the matter till March, 1969 and even the instructions from the head office of which there is a reference in the order termination the description of the received and on the head of which his services. minating the services of the workman and on the basis of which his services were terminated, have not been placed on the record. The predecessor of Shri Ramamurthi in 1958 also appointed a peon as is evident from Ext. W/3. It is true that the agent while appointing him on probation continued to treat him as a daily-rated worker by deducting his wages for holidays and Sundays but the workman who was a poor man submitted to all these things and when protest feel that the order terminating the services of the workman was illegal and is not sustainable. The services of even a probationer who has put in six months of service and who has not received a notice extending such period for a further period of three months are deemed to have been confirmed in view of the provisions of Para, 495 of the Sastri Award read with Paras. 21.17 and 21.18 of the Desai Award unless the services are dispensed with on or before the explry of the period of probation. No notice after the expiry of the period of six months was served on the workman. So the order of termination of the services of the workman passed by the bank was manifestly against the provisions of the bank awards and ought to be quashed. I shall, therefore, answer this reference against the bank and hold that the workman had become permanent and that the action of the bank was unjustified and illegal. The bank is directed to reinstate the workman with full back wages and continuity in service. The award is made accordingly.

(Soven pages)
7th August, 1970.

(Sd.) R. K. BAWEJA.

Central Govt. Industrial Tribunal, Delhi.

[No. 23/23/69/LRII]

S.O. 3103.—In pursuance of section 17 of the Industrial Disputes Act. 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal. Chennal (Madras), in the industrial dispute between the employers in relation to the Indian Bank Limited, Madras and their workmen, which was received by the Central Government on the 28th August, 1970.

BEFORE THE INDUSTRIAL TRIBUNAL, CHENNAI.

Wednesday, the fifth day of August

One thousand nine hundred and seventy.

PRESENT:

Thiru S. Swamikkannu, B.Sc., M.L., Industrial Tribunal:

Industrial Disputes No. 87 of 1968

[In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Indian Bank Limited, Madras.]

BETWEEN

The Secretary, Indian Bank Supervisory Staff Association, C/o. The Indian Bank Limited, Royapattah, Madras-14.

And

The Secretary, Indian Bank Limited, Indian Chamber Buildings, Post Box No. 1384. Madras-1.

Order No. 51/42/67/LR-III, dated 5th day of April, 1968 of the Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment). Government of India, New Delhi.

This dispute coming on for final hearing on Wednesday the 24th day of June 1970, upon perusing the reference, Claim and Counter Statements and all other material papers on record and upon hearing the arguments of Thiruvalargal S. Subramanyam, General Secretary of the Association and P. J. Seetharaman, an officer of the Association appearing for the workmen and of Thiruvalargal G. Venkataraman and A. L. Somayaji, Advocates appearing for the Management and this dispute having stood over till this day for consideration this Tribunal made the following

AWARD

This is an Industrial Dispute between the Management of the Indian Bank Limited and their workmen over the dismissal of Sri R. K. Srinivasan, Accountant, referred to this Tribunal for adjudication by its Order dated 5th April, 1968.

2. The Secretary, Indian Bank Supevisory Staff Association, Madras has filed a Claim Statement on behalf of the claimant, inter alia contending that Sri R. K. Srinivasan, Accountant of Alwarpet branch was transferred to Mount Road Branch by the middle of 1963 and after a few days he was suspended from service on the ground that he has committed certain irregularities while working at Alwarpet branch. The Bank charge-sheeted him and called for his explanation and not satisfled with his explanation the Bank dismissed him from the services on 10th October, 1963. It is contended in the Claim Statement that the Bank is having a scheme of gratuity under which gratuity may be paid at the absolute discretion of the management of the Bank and the gratuity was denied in the present case as their rule No. 87 clearly states that an Officer dismissed for misconduct shall not be entitled to gratuity, that hence denial of payment of gratuity to Sri R. K. Srinivasan was the direct result of the Bank's action in dismissing him from the services of the Bank, that the Association pleased with the management of the Bank that Sri R. K. Srinivasan was wrongfully dismissed and should be reinstated since the Bank has violated the law by ignoring the provisions of the Desai Award which is applicable to workmen and also submitted to the Bank that the Bank's action is not a mere technical wrong but a substantial denial of the natural justice as codified in the Desai Award, that the Bank management did not care for the representations. tations of the employee and the Association and was adamant even after the Association pointing out the violation of the Award in dismissing the employee without proper enquiry that the reference says whether the Bank is justified in denying gratuity to Sri R. K. Srinivasan under the Bank's rules and the answer could be in the affirmative since the Bank management framed its own rules, which could be altered and amended as the absolute discretion of the Bank, on the age old theory of the Law of "Master and Servant" ignoring the Industrial Laws and latest judicial opinion, and that since the denial of gratuity was based on the Bank's own rules the employee is entitled to all other relief and compensation under the Industrial laws applicable to him and that the Association submits that Sri R. K. Srinivasan is entitled to the relief of reinstatement with all back wages. It is further submitted by the Union in the Claim Statement, that when employees all over India were anxiously expecting for improvements in service conditions the management of the Indian Bank Limited for the first time appointed, at about the same time, an officer from the State Bank of India as the Chief Executive of the Bank thereby breaking their policy of promoting to that post from the Senior Officers' cadre and denying promotion to that post from the Senior Officers, that apart from this there were vieled threats that the vacancies in senior positions would be filled in by direct recruitment from outside, that the new incumbents, though experienced in Banking, are quite unfamiliar with the peculiar conditions prevailing in Indian Bank Limited in the matter of routine and administrative work and they wanted to change the whole process, and that this resulted in the new management letting loose a reign of terror and many senior and junior officer fell victims of the fury of the new management since they could not move as fact as the new management imagined. It is further contended in the Claim Statement. that the Officers of the Bank were conscious of their rights at that time because the overwhelming majority of them were well within the definition of the term "WORKMEN" under the Industrial Disputes Act but they did not immediately egitate and fight against the management as their attention were diverted to the proceedings before the Desai Tribunal and as the management

however, the offensive, that they WAR on were making arrangements formation of a Trade Union to defend and sateguard the 1962, the Tribunal's Award, popularly and that by June, known as "Desal Award for Bankmen" was publishing and this Award gave some benefits to bank employees throughout India including Supervisory Staff working in Banks. Most of the Officers came well within the scope of the Award and were entitled to various benefits under the Award. The Award unambiguously stated that the Bank should pay to the Supervisory Staff what they are entitled to as Supervisory Staff under the Award, which was superior to the then existing conditions of service for Officers and also provided for an option. There was a definite date line and if the workmen who are called as option. There was a definite date line and if the workmen who are called as "Officers" did not exercised their option at all or did not exercise their option in favour of the Bank Sales and service conditions the Award service conditions would be applicable to them. The management Bank excluded all agents of branches on the plea that they are manages even though their terms of service fell well within the scope of the terms 'workmen' under the Industrial Disputes Act and refused to give them the option at that time even though many were reverted from the Agents post within a short time subsequently. Then they issued a circular to all officers that the Bank is contemplating to revise the scales issued a circular to all officers that the Bank is contemplating to revise the scales of pay and other service conditions and wanted the Officers to exercise their option as stated in the Award.

3. The Union further submitted in the Claim Statement that some of the Officer, who have some trade union background were suspicious of the Bank's move and gave a conditional option with a proviso that they opt for the terms of the Bank's service conditions without any prejudice to their existing rights "under the Award" and one of them was Sri R. K. Srinivasan. The Bank was naturally angry with such of those Officers since they came to know that they are taking steps for forming a Trade Union to protect their interests. Finally the Bank came out with the new rules governing scales and service conditions of officers in January 1963 which did not protect the minimum guarantee under the Award and advised the employees that they may or may not accept the new service conditions and for those who do want to accept terms, the old service conditions prior to the date of their option will prevail. When some of the Officers pointed out that the maximum for a Clerk without supervisory allowance is Rs. 405 while that of the Officer in Grade I was only Rs. 400, and expressed their desire to go back to the Award benefits the management turned round and said that the option could be exercised only once under the Award and threatened with drastic action against non-conformists. Again there was amounting offensive against the employees who were called "Officers" and many of them were demoted and transferred to far off branches. The bank humiliated senior officers by granting special increments, special promotions to Junior Officers and created a split amongst the officers, and when they formed a Trade Union, the Bank transferred the Office Bearers and Active workers to distant branches the Bank transferred the Office Bearers and Active workers to distant branches to instil fear in the minds of the rest. At this period, the incident of dismissal of them were demoted and transferred to far off branches. The bank humiliated a Senior Officer from the Reserve Bank of India as the Chief Executive in August 1964. The Association continued to send appeals to the management about the injustice done to Officers and there was a change for the better. In the meantime, cost of living shot up sharply benefiting the Award Staff and a situation developed in which the Officers' salary and service conditions were far worse than that of the similarly placed award staff. The Association from its intention adopted a persually approach to solve all the problems of the Superinception adopted a persuasive approach to solve all the problems of the Supervisory Staff and continues to strive hard for harmonious relationship. It is under this background the Association appealed to the management to reconsider its decision of dismissal of Sri R. K. Srinivasan as the dismissal was illegal inasmuch as the Bank did not follow the provisions under the Desai's Award for disciplinary proceedings. The management refused to accept the contentions of the Associations and even before the Labour Conciliation Officer the management adopted a hostile and uncompromising attitude. The Bank pleaded originally that Sri R. K. Srinivasan was not a "workman" but an "Officer" and the Award was not applicable to him. Subsequently, they modified their stand and did not deny that Shri R. K. Srinivasan is a workman and informed that they were prepared to pay 50 per cent of the gratuity payable to the employee, which was not acceptable to the Association. The Association in order to avoid breaking conciliation proceedings and arrive at a settlement submitted alternative proposals before Conciliation Officer, which the management rejected. It is further contended in the Claim Statement that at the time of dismissal of Sri R. K. Srinivasan the dispute regarding Bonus was pending before the Central Government Industrial Tribunal, Madras, that the Bank should have obtained the permission of the Tribunal before dismissing Sri R. K. Srinivasan, that the Bank the Associations and even before the Labour Conciliation Officer the management

has not sought the approval of the Tribunal and as such violated the provisions of Section 33 of the Industrial Disputes Act and that Order of dismissal should therefore be set aside as illegal and the employee should be reinstated with all benefits due to him. The Bank has violated the provisions of the Desai Award. The management paid a total emoluments as per Bank's scales, of Rs. 479.25 as against Rs 545.14 due to him as per the Award.

- 4. Apart from the lower wages, the Bank has denied the benefit of overtime wages and other fringe benefits to which he was entitled to under a legally enforceable Award, namely, Desai Award. The Bank still claims that the gratuity payable to the supervisory staff is an ex-gratia payment, in spite of Judicial pronouncements to the contrary. In this case, there is no financial loss to the Bank and denying the gratuity payable to the employee is contrary to the various decisions of Supreme Court of India. Further, the Bank itself entered into an agreement with the employees (Award Staff) to pay gratuity to dismissed employees and withhold gratuity only to the extent of the financial loss. In spite of its best efforts, the Association could not succeed in finding a solution for this long pending dispute. Sri R. K. Srinivasan is a family man and the loss of employment and income for this poor family has inflicted a great hardship. Sri R. K. Srinivasan is entitled for rel'ef of reinstatement with back wages.
- 5. The Secretary of the Indian Bank Limited has filed a Counter Statement, inter alia contending that the concerned employee was dismissed from service on 10th October, 1963, that the charges levelled against Sri R. K. Srinivasan were very serious, that the employee also admitted his guilt and appealed to Management for sympathy, but that as he was found guilty of breach of trust, falsification of accounts and of temporary mis-appropriation, he was dismissed from service. It is submitted by the Management that the dispute referred for adjudication relates only to the claim for gratuity of the concerned employee under the existing gratuity scheme of the Bank and not to the question as to whether the dismissal of Sri R. K. Srinivasan was justified and that as admitted by the Union in the Claim Statement, gratuity is not payable under the scheme to an employee who is dismissed for a misconduct.
- 6. The Union filed rejoinder to the counter of the management, inter alia stating that even on the basis of the respondent's own admission, there was no enquiry, now was the dismisal based on any findings, the worker was illegally dismissed, that the order of dismissal was enforced during the pendency of an Industrial Dispute, without obtaining the approval of the Industrial Tribunal. It is further contended that gratuity is for past services rendered by an employee and any scheme of gratuity which seeks to impose conditions which are illegal or impermissible would be void.
 - 7. The issue that has been referred for adjudication in this I.D. is: -
 - "Whether the management of the Indian Bank Limited, Indian Chamber Buildings, Madres-1 is justified in denying payment of gratuity, under their Gratuity Scheme to Shri R. K. Srinivasan, Accountant, Alwarpet Branch, Madras? If not, to what relief is he entitled?

The aggrieved worker Tihru R. K. Srinivasan had examined himself as W.W-1 and he has deposed that he was an accountant of Alwarpet branch and was transferred to Mount Road branch, and after two days, he was suspended, that the bank charge-sheeted him and ca'led for his exp'anation and not having been satisfied with the explanation, the Bank dismissed him from service with effect from 10th October, 1963, W.W.—I has deposed that till the time of dismissal, i.e. from 1959 to 1963, he was employed in the Indian Bank I inited as Assistant, that he was originally appointed in April 1944 as a stenographer in the Bank, and at the time of his dismissal the total emoluments received by him was Rs. 479, i.e. the sum total of basic salary Rs. 355 D.A. and House Rent Allowance. It is seen from the evidence of WW—1 that the order of dismissal that had been issued to him by the Bank is not an order of dismissal simpliciter, but it is an order terminating his services under the Bank, that a charge sheet was given against him levelling against him the charge of irregularities, that he pleaded guilty for the charge, that dismissal order was issued against him, that he wrote his pleading of guilty to the management for the charge he received from the management and that on that he received the order of dismissal.

7. Even at the outset, I have to state that the scope of the issue that has to be adjudicated in this I.D. is very limited in that it has to be seen whether the claiment Sri R. K. Srinivasan is eligible for the payment of gratuity under the gratuity scheme of the management—Bank. In the Claim Statement as well as in the evidence let in through W.W.—1, it was sought by the Union to go into the matter relating to the enquiry on the charge levelled against the claimant, who is admittedly a dismissed employee of the management—Bank. It is common case that the claimant—employee was dismissed from service of the bank with effect from 10th October 1963 and that at the time of dismissal he was working as an accountant of Alwarpet Branch and transferred to Mount Road branch. W.W.—1 himself deposed that till the time of dismissal i.e. from 1959 to 1963, he was employed in the Indian Bank Limited as an Assistant and that at the time of dismissal, the total emoluments received by him was Rs. 479. Fx. M—2 dated 21st November 1959 is the order of promotion issued to the claimant Thiru R. K. 21st November 1959 is the order of promotion issued to the channel finite A. S. Srinivasan, W.W.-1 herein, promoting him as an Assistant in the Bank. Item 5 of the terms and conditions enumerated therein shows that he will be governed by the staff regulations as applicable to Assistants and other officers of the Bank. Ex. M—1 is the rules governing service of officers. W.W.—1 himself admits in his cvidence that the gratuity scheme of the management—bank is incorporated in pages 23 and 24 of Ex. M—1 and rules 86 to 90 therein refer to gratuity. Rule 87 of Ex. M—1 states that an officer who is dismissed for misconduct shall not be entitled to gratuity. Ex. M—3 is the letter written by W.W.—1 to the management opting to the Bank's scales of pay and allowances and other service conditions. Ex. M—4 is the charge-sheet issued to the claimant alleging that he had committed a number of acts of gross misconduct, which are enumerated therein. Ex. M—5 is the reply given by the claimant to the charge levelled against him as per Ex. M—4. In Ex. M—5, the claimant has stated that in a moment of weakness, he had committed the irregularities. Ex. M—6 is another letter written by the management—Bank to the claimant herein giving him an opportunity to explain as to why the punishment of dismissal from service of the Bank should not be imposed on him. In Ex. M-7, the claimant herein has given his reply for Ex. M-6 and has stated in it that he had committed the irregularity in a weak moment, thoughtlessly, owing to some financial pressure and has further pleaded for mercy. Ex. M—8 in the order of dismissal issued by the Bank to the claimant, wherein it is stated that in the meeting of the Board of Directors held on 10th October 1963, on the ground that the claimant had committed frauds for a continuous period exceeding 6 months and have been guilty of breach of trust and falsification of accounts he was being dismissed from the service of the Bank and that the dismissal takes effect from 10th October 1963. On scrutinising the documentary evidence let in by the management and viewing the contents of the same, with the admissions made by W.W.—1, I hold that the claimant Sri R. K. Srinivasan was dismissed for misconduct by the management—Bank. Though it is contended on behalf of the claimant that he is not an officer of the Bank, but only a workman, in view of the contents of Ex. M—2, the order of appointment, it is clearly seen that he has been promoted as an Assistant by that letter and that by endorsement on the said Ex. M—2 on 30th November 1959, he has also accepted the terms and conditions of service. It has not been shown as to how the rules contained in Ex. M—I are not applicable to the claimant. Under the circumstances, as per Rule 87 of Ex. M—I, the claimant Sri R. K. Srinivasan is not entitled to gratuity. I hold that the management of Indian Bank Limited, Indian Chamber Buildings, Madras-I is justified in denying payment of gratuity. An award is passed accordingly.

(Sd.) S. SWAMIRRANNU, Industrial Tribunal.

List of Witnesses Examined

For Workmen:

W.W.-1-Thiru R. K. Srinivasan.

For Managements

None.

List of Documents Marked

For workmen
For Management
Ex. M—1

Nil

Rules Governing the service of O or service of O or service of promotion issued to W.W.-1.

Ex.M-2-dt. 21-11-59

Ex. M-3-dt, 28-11-62

4234

Ex.M-4-dt. 10-7-63 Ex. M-5-dt. 16-7-63 Ex. M-6-dt. 9-9-63

Ex.M-7-dt. 12-9-63 Ex. M-8-dt. 16-10-63 Letter from w.w.—I to the Managemen exercising the option.

Show cause notice issued to w.w.—I

Explanation given to Ex.—M—4 by w.w.—1

Memo issued to w.w.—I calling for ck'
planation against the proposed punishment.

Explanation of w.w.—1 to Ex. M—6 Order of dinmissal issued to w.w—1.

Note: -The parties are directed to take return of their document/documents within six months from this date.

[No. 51/42/67/LRIII.]

ORDERS

New Delhi, the 29th August 1970

8.0. 3104.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank and their workmen in respect of the matter specified in the Schedule hereto annexed:

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Gopal Narain Sharma shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of Punjab National Bank, Central Office, Indore in terminating the services of Shri B. K. Gupta, Cashier Incharge, in their Bhawanimandi Pay Office with effect from the 3rd April, 1969 was justified? If not, to what relief is he entitled?"

[No. 23/38/70/LRIII.]

ग्रावेशीं

नई दिल्ली, 29 भ्रगस्त 1970

का० भा० 3104:-यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध श्रनुसूची में विनि-दिष्ट विषयों के बारे में पंजाब नेशनल वैंक से सम्बद्ध नियोजकों श्रौर उनके कर्मकारों के बीच एक श्रौद्योगिक विवाद विद्यमान है;

श्रोर यतः केन्द्रोय सरकार उक्स विवाद को न्यायनिर्णयन के लिए निर्देणित करना वां**छ∍** नीय है;

श्रतः, अब भौद्योगिक विवाद ग्रिधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त मिननयों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा एक श्रीद्योगिक प्रधिकरण गठित करती है जिसके पीठासीन श्रिधिकारी श्री गोपाल नारायण शर्मी हों।, जिनका मुख्यालय जयपुर होगा श्रीर उक्त विवाद को उक्त श्रीधकरण के न्यायोचित को न्यायनिर्णयन के लिए निर्देशित करती है।

अ<mark>नुसूची</mark>

"क्या पंजाब नेशनल बैंक, केन्द्रीय कार्गालय, इन्दौर की उसके भवानी मण्डी पे स्नाफिस में केशियर इंचार्ज, श्री बी० के० गुप्ता की सेवास्रों की 3 अप्रेल, 1969 से समाप्त करने की कार्यवाही न्यायोचित थी ? यदि नहीं, तो वह किस स्ननूतीय का हकदार है ?

[सं 0 23/38/70-एल ग्रार • III]

New Delhi, the 3rd September 1970

S.O. 3105.—Whereas the Central Government is of opinion that an industrial unspute exists between the employers in relation to the Bank of Beroda and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said Hispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDGLI

"Whether the action of the Management of the Bank of Baroda, Calcutta-1, in transferring Shri C. R. Kundu, from the post of Cash-Pcon-Cum-Daftry at the College Street Branch to the post of a Peon at the India Exchange Branch with effect from 25th November, 1969 and thereby depriving him of the special Daftry allowance was justified? If not, to what relief is the workman entitled?"

[No. 23/29/70-LRIII.]

नई दिल्लो, 3 सितम्बर, 1970

का॰ आ॰ 3105.-यतः केन्द्रीय सरकार की राय है कि इसमे उपाबद्ध श्रनुसूची में विनिदिष्ट विषयों के बारे में अक आफ बड़ौदा से सम्बद्ध नियोजकों श्रीर उनके कर्मकारों के बीच एक श्रीद्योगिक विवाद विद्यमान है;

श्रीर यतः केन्द्रीय सरकार उक्त विवाद को न्याय विर्णपन के लिये निर्देशित करना वांछवीय समझती है ;

ग्रतः, ग्रव ग्रौधोगिक विवाद प्रधिनियम, 1947 (1947 का 14) को धारा 10 की उपधारा (1) के खण्ड (थ) धारा प्रदत्त गिकिनथों का प्रधोग करते हुए, केन्द्रीय सरकार एत्स्क्रारा उक्त विवाद को उक्त ग्रिधिनियम, को धारा 7-क के प्रधोन गठिन श्रीधोगिक श्रिधिकरण, कलकत्ता को न्यायिन-जैयन के लिये निर्वेशित करनी है।

श्र रुसू जी

'क्या बैंक ग्राफ बड़ौदा, कलकता—1 के प्रबन्धतन्त्र की श्री सी० ग्राप्त कुण्डु को 25 नवम्बर, 1969 में कालेज स्ट्रीट शाखा में नकदी-चपरासी एवं-दपत्तरी के पद से इंडिया एक्सचंज शाखा में चपरासी के पद पर श्रन्तरित कर देने श्रीर तद्द्वारा उसे दफ्तर के विशेष असे से बंचित करने की कार्यवाही न्यायोयित शी? यदि नहीं तो कर्मकार किस श्रन्तोय का हकदार है?''

[सं० 23/29/70-एल०ग्रार**०**।।।]

S.O. 3106.—Whereas the industrial dispute specified in the Schedule heretogenexed is pending before the Central Government Industrial Tribunal, Delhi;

And whereas for the ends of Justice and convenence of parties, the said inspute should be disposed of without delay;

Now, therefore, in exercise of the powers conferred by section 7A and subsection (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri P. N. Thukral as the Presiding Officer, with headquarters at Faridabad, withdraws the proceedings in relation to the said dispute from the Central Government Industrial Tribunal, Delhi, and transfers the same to the said Industrial Tribunal, Faridabad, for the disposal of the said proceedings, with the direction that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred and dispose of the same according to law.

Schedule								
51. No.	Parties to the dispute					Order No. and date	S.O. No. of Gazette and year of publication.	
I	Central workm	Bank of	India	and	their	23/71/69/LRIII dat 12th January, 1970.	ted 195 of 1970.	

[No. 23/71/69/LRIII.]

ा॰ भा॰ 3106—पत : इससे उपायत श्रभुसूची में विनिर्दिष्ट श्रीद्यौगिक विवाद केन्द्रीय संरक्षार श्रीद्योगिक श्र(धवरण, दिस्ली के समक्ष लम्बित है ;

श्रीर यत : न्याय के उद्देश्य से श्रीर पक्षकारों की सुविधा के लिये, उक्त विवाद की बैगर देर किए निन्हाया जाना चाहिये

ग्रतः ग्रव, श्रौद्योगिक विवाद श्रिष्ठनियम 1947 (1947 का 14) की धारा 7-क श्रौर धारा 33 ख की उपधारा (1) द्वारा प्रदत्त शिक्तवों ना प्रयोग करने हुए केन्द्रीय सरकार एतदद्वारा एक व द्योगिक श्रिष्ठकरण गठित करती है, जिसके पीठासीन श्रीधकारी श्री पी० एन० ठुकराल होंगे, जिन हो मुख्यालय फरीदाबाद होगा, उक्त विवाद के संबंध में कार्यवाहियों को केन्द्रीय सरकार श्रौद्धोगिक श्रीध रण दिल्ली से प्रत्याहन करती है श्रीर उन्हें उक्त श्रौद्धोगिक श्रीष्ठकरण, फरीदाबाद को उक्त कार्य गहायों के निपटारे के लिये इस निदेश के साथ श्रम्तरित करती है कि उक्त श्रीधकरण उन कार्य-वाहियों पर उस प्रदक्त श्रक्रम से श्रागे कार्यवाही करेगा जिस पर उन्हें श्रन्तरित किया जाए श्रीर उनक विधि के श्रनुसार निपटारा करेगा ।

प्रनुस्षी

ऋम सं∘	विवाद के पक्षकार	ग्रादेश सं० श्रीर नारीख	राजपत्र की का० ग्रा० सं०
			श्रीर प्रकाशन का वर्षः
			

तैन्ट्रल बैंक म्राफ इंडिया श्रीर 23/71/69/ 1970 का 195
 उसके कर्मकार एल ब्झार ा।। तारीख 12
 जनवरी, 1970

[सं॰ 23/71/69/एल॰ म्रार॰III]

New Delhi, the 5th September 1970

S.O. 3107.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank and their workmen in respect of the matter specified in the Schedule hereto annexed.

And, whereas the Central Government considers it desirable to rater the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri K. P. Gupta shall be the Presiding Officer, with headquarters at Allahabæd and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Punjab National Bank in discharging Shri C. D. Shah, Godownkeeper of their Aligarh branch with effect from the 25th April, 1968 was justified? If not, to what relief is he entitled?"

[No. 24/3/70/LRIII.]

S. S. SAHASRANAMAN, Under Secy.

नई दिल्ली, 5 सिनम्बर 1970

का० आ० 3107.— यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध भनसूची में विनिर्विष्ट विषयों के बारे में पंजाब नेशनल बैंक से सम्बद्ध नियोजकों भ्रौर उनके कर्मकारों के वीच एक श्रौद्योगिक विवाद विद्यामान है;

श्रौर थतः केन्द्रीय सरकार उक्त विवाद को स्थायनिर्णयन के लिए निदशात करना बांछनीय समझती है ;

भ्रत: ग्रब, श्रौद्योगिक विवाद श्रीधिनियम, 1947, (1947 का 14) की धारा 7-कं श्रीर धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रवत शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतदद्वार एक श्रौद्योगिक श्रधिकरण गठित करती है, जिस के पीठासीन श्रधिकारी श्री के० पी० गुप्ता होंगें जिनका मख्यालय इलाहाबाद होगा श्रीर उक्त विवाद को उक्त श्रौद्योगिक श्रधिकरण को न्यायनिग्गयन के लिए निर्देशित करती है।

म् रूपो

"क्या पंजाब नेशनल बैंक के प्रबन्धतंत्र की अपनी श्रलीग शा**खाड़ के गोदाम**-रक्षक श्री सी० डी० शाह को 25 श्रश्रेल, 1968 से उन्मोचित करने की कार्यवाही न्यायोचित थी? यदि नहीं तो वह किस अनुतोष का हकदार है ?"

> [सं० 24/3/7 — एल० भ्रार० III] एस० एस० सहस्र नामन, भ्रवर सचिव ।

(Department of Labour and Employment)

New Delhi, the 4th September 1970

S.O. 3108.—In exercise of the powers conferred by section 4 of the Mica Mines Labour Welfare Fund Act, 1946 (22 of 1946) read with sub-rule (1) of rule 3 of the Mica Mines Labour Welfare Fund Rules, 1948, and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation No. S.O. 3783 dated the 2nd December, 1966, the Central Government hereby reconstitutes the Advisory Committee for the State of Bihar for consisting of the following members, namely:—

- I. Labour Minister State of Bihar, Patna . . . Chairman
- Welfare Commissioner, Mica Mines Labour Welfare, Fund, Bihar
 Vice-Chairman
- 3. Mica Controller, Bihar
- 4. Regional Labour Commissioner (Central), Dhanbad .
- 5. Shri Bishwanath Modi Member, Legislative Assembly, Bihar
- Shri R. G. Agaiwala, General Manager, Chrestien Mica Industries Ltd., C. O. Domchanch, Distt: Hazaribah, Bihar
- Shri Basudev Churiwalla, c/o Mesars Goenka Mica Company, Girldih, Bihar.
- Shri L. K. Somany, Honorary Secretary, Kodarma Mica Mining Association, Kodarma, Bihar
- Shri Surya Narayan Sinha, President, Mica Labour Union, P. O. Jhumritelaiya, District Hazaribagh, Bihar
- Shri Yashraj Singh, President, Abrak Mazdoor Panchayat, P. O. Jhu mritelaiya, District Hazaribagh, Biahar.
- Shri Harish Chandra Mishra, General Secretary, Abrak Mazdoor Union, P. O. Jhumritelaiya, District Hazaribagh, Bihar.
- 12. Shrimati Shanti Sukh Chandra, "Shanti Niwas", P. O. Herangani, District Hazaribagh, Bihar,
- 13. Secretary, Mica Mines Labour Welfare Fund, Bihar . Secretary

To represent the mica mine owners of Bihar

To represent mica mine workers of Bihar.

Woman representative.

(No. 5(17)/69-M.HII) C. R. NAIR, Under Secy.

(अम और रोजगार विमाग)

नई दिल्ली, 4 सितम्बर 1970

का॰ आ॰ 3108—प्रभ्रक खान श्रम कल्याण निधि नियम, 1948 के नियम 3 के उपनियम (1) के साथ पठित अभ्रक खान श्रम कल्याण निधि श्रिधिनियम, 1946 (1946 का 22) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय की श्रिधसूचना सं॰ का॰ श्रा॰ 3783 तारीख 2 दिसम्बर, 1966 को भ्रधिकान्त करते हुए केन्द्रीय सरकार एतद्द्रारा बिहार राज्य के लिए सलाहकार समिति को पुनर्गठित करती है जिसमे निम्निखित सदस्य होंगे, श्रथीन् :—

 श्रम मंत्री, बिहार राज्य, पटना

श्रध्यक्ष

- कल्याण आयुक्त,
 अभक खान श्रम कल्याण निधि, बिहार
- उपाध्यक्ष

- 3. खान नियंत्रक, बिहार
- प्रादेशिक श्रम झायुक्त्यों (केन्द्रीय).
 धनवाद ।
- 5. श्री विश्वनाथ मोदी

सदस्य विधान सभा विहार।

- श्री श्रार० जी० श्रग्नवाल,
 महाप्रबन्धक,
 कस्टियन माइका इंडस्ट्रीज लिमिटेड,
 डाकवर दामचंच, जिला हजारीबाग, बिहार
- 7. श्री बासुदेव चूड़ीवाला, द्वारा मैसर्स गोयन्का माइका कंपनी गिरिडिह, बिहार ।
- श्री एल० के० सोमानी, अवैतनिक सचिव, कांदमी मादका माद्दनिंग एसोसिएणन कोदमा, बिहार ।
- श्री सूर्य नारायसा सिन्हा,
 श्रध्यक्ष,
 माइका लेबर यूनियन
 डाकघर झूमरी तलैया,
 जिला इजारीबाग, बिहार ।

बिहार के अभ्रक खान स्वामियों का प्रतिनिधित्व करने के लिए। श्री यणराज सिंह.
 श्रध्यक्ष.

ग्रभ्रक मजदूर गंचायत, डाकवर झूमरीतलेया.

जिला हजारीबाग, बिहार ।

11. श्री हरोशचल्द्र मिश्रा, महासचित्र, श्रश्नक मजदूर यूनियत, डाकवर, झूमरोत तैया, जिला हजारोजाग, बिहार। विहार के <mark>प्रभ्रक खान कर्मका</mark>रों का प्रतिनिधित्य करने के लिए।

12. श्रीमती शान्ति सुखचन्द्र,

"शान्दि निरास", डाकघर होरणगंज. जिला तजारीयाग, बिहार ।

13. सचिव,

<mark>म्रभ्रक खान ।</mark> श्रम कल्याण निधिः रिकार । महिला प्रतिनिधि

स्चित्र

[मं॰ 5(17)/69-एम॰ III]

सी० आर० नायर, भ्रवर सचिव।

(Department of Labour and Employment)

ORDER

New Delhi, the 4th September 1970

S.O. 3109.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Calcutta Port Commissioners, Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE.

- "Whether the demand for the supply of uniforms made by the shore cargo handling workers of Calcutta Port Commissioners, is justified?
- If so, what are the broad principles on the basis of which uniforms may be given to such workmen and what are the categories of workmen to whom uniforms should be supplied and what should be the type

of uniforms to be supplied to each such category, the nature and quality of the clothing material of such uniforms and the scale and periodicity of supply of such uniforms?"

[No. 28/89/69-Fac.H/P&D.]C. RAMDAS, Dy. Secy.

(श्रम श्रार रीजगार विभाग)

आबेश

नई दिल्ली, 4 शितम्ब , 1970

कार भार सर 3109.---यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध श्रनुसूची में विनिधिष्ट विषयों के बारे में कलकत्ता पत्तन आयुक्त, कलफत्ता के प्रबन्धनंत्र से सम्बद्ध नियोजकों श्रीर उनके कमकारों के बीच एक श्रीद्योगिक विवाद विद्यमान है ,

श्रीर यतः केन्द्रोय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वाछ-नीय समझती है ;

अतः अब, श्रौबोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतवृक्षारा उक्त विवाद को उक्त श्रधिनियम की धारा 7-क के श्रधीन गठित केन्द्रीय सरकार श्रौबोगिक श्रधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है।

भनस्यो

" क्या कलकत्ता पत्तन ब्रायुक्त के तट स्थौरा मंभालने वाले कर्मकारों द्वारा वर्दी के प्रदाय के लिए की गई मांग न्यायोजित हैं?

यदि हां तो वे कौन से सामान्य सिद्धान्त है जिनके ब्राधार पर ऐसे कर्मकारों को विद्यां दी जा सकती हैं ब्रीर कर्मकारों के कौन से प्रवर्ग हैं जिनको विद्यां प्रदत्त की जानी चाहिए ब्रीर ऐसे प्रत्येक प्रवर्ग को प्रदत्त की जाने वाली विद्यों का प्रकार, ऐसी विद्यों की वस्त्र सामग्री का स्वरूप तथा क्वालिटी ब्रीर ऐसी विद्यों के प्रदाय का मापमान तथा कालाविधिकता क्या होनी चाहिए?"

[मं० 28/89/69—फ़्रैक्० II पी एंड डी] मी० रामशस,

उपर्साचव (पो०डो०)

(Department of Labour and Employment)

New Delhi, the 25th August 1970

S.O. 3110.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras, in the matter of an application under Section 33A of the said Act from 55 Employees of Messrs Star Construction and Transport Company, Sankari West, which was received by the Central Government on the 18th August, 1970.

BEFORE THE INDUSTRIAL TRIBUNAL, CHENNAI

Wednesday, the first day of July, One thousand nine hundred and seventy.

PRESENT:

Thiru S. Swamikkannu, B.Sc., M.L., Industrial Tribunal

Coinplainants

Workmen

COMPLAINT NO. 3 OF 1969 IN I. D. NO. 21 OF 1969

BETWEEN:

1. Kandan. 29. Raman, 2. Raman, 30. Nallamuthu 3. Chinnapayan, 31 Kuppan, 4. Arumugam, 32. Ramasamy Kandan. 33 Raju, 6. Marımuthu, .4. Sukkan. 7. Ramasamy, 35. Swaminathan 8. Munian. 36. Ramasamy 9. Kandan, 37. Suppan, 10. Raju, 38. Allimuthu Sengodan. 39. Perumal, 12. Chellappan, 40. Kandan, 41. Perumal. 42. Kandan, 43. Kandan, 44. Kaveri, 45. Raman, 13. Arumugam, 14. Chinnathambi,

15. Periasami,16. Nachimuthu, 17. Darman.

18. Chinnan, 46. Gurusamı 19 Kolundaipaiyan, 47. Sengodan 20. Palanisamy, 48. Raman, 21. Muthusamy, 49. Vellaiyan.

22. Thailappan, 50. Kandan, 51. Vellaiyan 52. Kandan, 53. Appusamy 54. Varadan and 55. Kandan 23. Palani, 24 Muthan. 25. Marımuthu, 26 Palaniappan,27. Pachamuthu

28. Chinnannan,

Employees of M/s. Star Construction and Transport Company, Sankari C/o The West-Represented by Secretary, India Cements Employees' Union, Sankari West, Salem District

and

The Management of Star Construction and Transport) Opp. party Company, Sankari West, Salem District. Management

Complaint under Section 33(a) of the I.D. Act, 1947

The complaint coming on this day for final disposal in the presence of Thiru R Rangaswamy, General Secretary of I. N. T. U. C. Madras appearing for the Complainants/Workmen and of Thiru T. K. Seshadri, Advocates for the Opposite party/Management upon perusing the complaint, counter and all other material papers on record and the representative of the complainants/workmen having made an endorsement to the effect that they are withdrawing this complaint as settled out of court, this Tribunal made the following

AWARD

This is a complaint under section 2°-A of the Industrial Dispute Act preferred by 55 employees of M/s. Star Construct on and Transport Company, Sankari West, represented by the India Cements Employees' Union, Sankari West against the management of Star Construction and Transport Company, Sankari West. Salem District that the Company has been guilty of a contravention of the provisions of Section 33 of the Industrial Disputes Act in having terminated the services of the complainants during the pendency of the reference.

2. The Management filed a Counter to the complaint, to which the union has filed a rejoinder.

3. Today, endorsement has been made by the representative of the complainants that they are withdrawing this complaint as settled out of Court. An award is passed accordingly. (Sd.) S SWAMIKKANNU,

List of Witnesses Examined

For both sides: None List of Documents Marked For both sides Nil.

[No. 12(24)/70-LR-IV.] P. C. MISRA. Under Secy.

Industrial Tribunal.

MINISTRY OF FINANCE

(Department of Revenue and Insurance)

STAMPS

New Delhi, the 19th September 1970

S.O. 3111.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits [in addition to the remission of duty made in the notification of the Government of India in the Ministry of Finance (Department of Revenue and Insurance) No. 7/70-Stamps/F. No. 1/22/70-Cus. VII, dated the 4th July, 1970, which was published as No. S.O. 2265 in Part II-Section 3 Sub-section (ii) of the Gazette of India, dated the 4th July, 1970, at page 2922] the duty with which the bonds of the value of twenty lakhs of rupees, to be issued by the Gujarat State Financial Corporation, to cover the amount of subscription in excess of two hundred lakhs of rupees, are chargeable under the said Act.

[No. 14/70-Stamps-F. No. 1/22/70-Cus. VII.]

विस मंत्रालय

(राजस्व ग्रीर बीमा विभाग)

स्टाम्प

नई दिल्ली, 19 सितम्बर 1970

एस० मो० 3111.—भारतीय स्टाम्प श्रिधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त सक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतव्द्वारा (भारत सरकार के वित्त मंत्रालय (राजस्व श्रौर बीमा विभाग) की श्रिधिसूचना सं० 7/70-स्टाम्प / फा० सं० 1 22/70-सीमा गुलक VII नारीख 4 जुलाई, 1970 में, जो भारत के राजपत्र, नारीख 4 जुलाई, 1970 के भाग 2. खण्ड 3. उपखंड (11) में पृष्ठ 2922 पर म० का० श्रा० 2265 के रूप में प्रकाशित हुई थी, दी गई गुल्क की छूट के श्रितिरक्त) उस गुल्क में छूट देनी है जिससे गुजरात रा य वित्तीय निगम द्वारा दो मौ लाख रूपयों के श्रिधक्य में योगदान की रकम को पूरा करने के लिए पुरोध्त किये जाने वाले बीम लाख रूपये मूल्य के बन्धपत्र उक्त श्रिधिनयम के श्रिधीन प्रभार्य है।

[सं॰ 14/70-स्टाम्प-फा॰ सं॰ 1/22/70-सीमा णुल्क VII]

Customs

New Delhi, the 19th September 1970

S.O. 3112.—In exercise of the powers conferred by sub-section (1) of section 4 of the Customs Act, 1962 (52 of 1962), and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue and Insurance) No. 80/Customs, dated the 14th June, 1969, the Central Government hereby appoints the officers of and above the rank of head constables, incharge of the Intelligence Bureau checkposts in the areas adjoining the foreign frontier separating Tibet from India in the State of Jammu and Kashmir. Punjab and Uttar Pradesh, in the Union territory of Himachal Pradesh and in the North-East Frontier Agency, to be officers of customs within the respective jurisdiction of the concerned Collector of Customs.

[No. 87/F. No. 85/1/70-LCL]

P. K. KAPOOR, Under Seev.

सीमा शुरु

नई दिल्ली, 19 सि म्बर 1970

एस० भ्रो० 3112 — सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शिक्तयों का प्रयोग करते हुए श्रीर भारत सरकार के बिन मंत्रालय (राजस्व श्रौर बीमा बिभाग) की अधिभूचना स० 80/सीमा शृल्क, तारीख 14 जून, 1969 को अधिभ्रांन करते हुए केन्द्रीय सरकार, विदेशी मीमा से, जो जम्मू कर्रमीर, पंजाब श्रीर उत्तर प्रदेश, हि. चल प्रदेश के सध राज्य क्षेत्र में श्रीर उत्तर पूर्व मीमान्त अभिक्रमण में भारत में निब्बत को पृथक करती. है, लगे नए क्षेत्रों में खुकिया न्यूर। — गड़नाल चाकियों के भारसाधक ऐसे अधि कारियों को, जो हैड कान्स्टेबल या उससे अपर की पितन के हो, सम्बन्धिन सीमा शुल्क कलक्टर को अपनी अधिन रिना के अन्वर सीमा शुल्क के अधिकारी नियवत करती है।

[सं॰ 87/एफ॰ सं॰ 85/1/70-एल॰ सी॰ आई०] पी॰ के॰ कपूर, श्रवर सचिव